

PROVIDING FOR THE MORE EFFECTIVE
PREVENTION, DETECTION, AND PUNISHMENT
OF CRIME IN THE DISTRICT OF COLUMBIA

REPORT

OF THE

COMMITTEE ON THE DISTRICT OF COLUMBIA

PURSUANT TO

H. R. 4141

(82d Cong., 1st Sess.)



May 31, 1951.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

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REPORT
No. 538

PROVIDING FOR THE MORE EFFECTIVE PREVENTION, DETECTION, AND PUNISHMENT OF CRIME IN THE DISTRICT OF COLUMBIA

MAY 31, 1951.—Committed to the Committee of the Whole House on the State
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Mr. DAVIS of Georgia, from the Committee on the District of
Columbia submitted the following

REPORT

[To accompany H. R. 4141]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4141) to provide for the more effective prevention, detection, and punishment of crime in the District of Columbia, having considered the same, report favorably thereon without amendment and recommend that the bill H. R. 4141 do pass.

FOREWORD

Crime and its concomitant evils constitute a direct invasion of the rights of organized society and directly threaten the rights of every citizen in the community. The laws that society provides to protect these rights and to curb crime must be observed in good faith and vigorously enforced lest the sanctity of our way of life be destroyed. The criminal law, apart from self-restraint, is the only measure of protection and control available to combat this serious threat. Any inadequacy in the structure of these laws or any breakdown in their enforcement provides the criminal element with an opportunity to unleash its predatory and destructive forces to the resulting harm of society and the individual.

In view of the ever-increasing rate of crime in the District of Columbia your committee, through its special subcommittee to investigate crime and law enforcement launched an extensive and exhaustive investigation to ascertain the incidence of crime, to evaluate the effectiveness of the criminal law and to appraise the efficiency of those officers charged with the responsibility of identifying and punishing persons who commit such crime. H. R. 4141 contains leg-

islative changes which the committee believe will materially assist the law-enforcement agencies in curbing crime in the District, found to be essential. It is a bill aimed at strengthening many of the existing sections of the District of Columbia criminal code and, in addition, provides some entirely new provisions designed to correct situations found to be in existence for which no legislative provision has heretofore been enacted.

Tables showing the incidence of more serious crime for the fiscal years 1949 and 1950 are set forth below. But in all their simplicity the statistics do not portray the great damage to and waste of human and property resources directly resulting from crime. The tragic and malignant affect of such criminal activity threaten the safety of all and, even as in the international field of lawlessness, must be met and defeated if society is to have that measure of protection necessary for its continual growth and prosperity.

Your committee has carefully studied the hearings and report of its special subcommittee (hearings pts. I and II before a special subcommittee of the Committee on the District of Columbia, 81st Cong., 2d sess., on H. Res. 340; and H. Rept. 3244, Calendar No. 1129, 81st Cong., 2d sess.) and has held additional public and executive sessions. It has reviewed to a great extent the incidence of crime and the effectiveness of law enforcement in the District to the end that this bill represents, in its judgment, specific remedies for the dangerous situation felt by it to exist.

In its public and executive sessions and during the drafting of the several committee prints of this bill, your committee has sought and received valuable assistance from all of the public officials engaged in the enforcement of law in the District, as well as the cooperation of various private organizations such as the District of Columbia Bar Association, the Washington Criminal Justice Association, and numerous civic groups. This assistance has been accepted gratefully by the committee; and many of the suggestions and recommendations made have been incorporated in the present bill. In some instances, however, as will be noted specifically in this report, your committee has felt that certain sections of H. R. 4141 must be kept in their original form as proposed by the special subcommittee in spite of the fact that some objection to certain sections had been made by various public officials.

While the hearings, exhibits, and report of the special subcommittee contained ample justification for all of the provisions of the bill, your committee in its report, will nevertheless analyze H. R. 4141 section by section and will carefully document the rationale of each section with findings and other data pertinent thereto:

CRIME IN THE DISTRICT OF COLUMBIA

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Fiscal year 1949

Classifications of offenses	Actual offenses reported	Arrests				Total
		Adults		Juveniles		
		White	Colored	White	Colored	
PT. I CLASSES						
1. Criminal homicide:						
(a) Murder.....	63	8	40			48
(b) Manslaughter.....	1	1	6			7
(c) Negligent homicide.....	14	9	5			14
2. Rape.....	198	22	95	1	46	164
(a) Attempt rape.....	48	6	22	6	4	83
3. Robbery.....	905	178	489	42	179	888
(a) Attempt robbery.....	79	22	44	1	22	89
4. Aggravated assault.....	4,165	365	2,560	16	100	3,041
5. Burglary—breaking or entering.....	4,343	268	998	372	1,327	2,965
(a) Attempt housebreaking.....	182	4	52	16	71	143
6. Larceny—thief (except auto theft):						
(a) \$50 and over in value.....	1,844	254	556	66	137	1,013
(b) Under \$50 in value.....	8,330	548	991	306	799	2,644
7. Auto theft.....	1,162	101	217	109	60	487
Total.....	21,334	1,786	6,075	935	2,745	11,541

Part II, offenses and arrests for fiscal year 1949, cannot be presented with accuracy because many police precinct commanders failed to report such data adequately to headquarters (p. 134 of hearings).

Fiscal year 1950

Classification of offenses	Actual offenses reported	Arrests				Total
		Adults		Juveniles		
		White	Colored	White	Colored	
PT. I CLASSES						
1. Criminal homicide:						
(a) Murder.....	65	12	52			64
(b) Manslaughter.....	11	2	9			11
(c) Negligent homicide.....	15	16	7			23
2. Rape.....	164	21	107	3	28	159
(a) Attempt rape.....	48	8	25	2	3	38
3. Robbery.....	1,060	188	578	20	277	1,063
(a) Attempt robbery.....	79	15	33	4	27	79
4. Aggravated assault.....	4,228	296	2,645	11	139	3,091
5. Burglary—breaking or entering.....	3,391	291	675	432	853	2,251
(a) Attempt housebreaking.....	116	9	42	2	31	84
6. Larceny-theft (except auto theft):						
(a) \$50 and over in value.....	1,857	220	515	85	228	1,048
(b) Under \$50 in value.....	7,812	384	953	249	723	2,309
7. Auto theft.....	1,317	90	235	205	114	644
Total.....	20,163	1,552	5,876	1,013	2,423	10,864
PT. II CLASSES						
Other assaults ¹	2,944	698	1,621	18	117	2,454
Forgery and counterfeiting.....	241	138	78	1	1	218
Embezzlement and fraud.....	356	153	113			266
(a) Embezzlement and fraud ¹	779	386	197	4	10	597
Stolen property (buying, receiving, and possessing).....	42	18	28	4	7	57
Weapons (carrying, possessing, etc.) ¹	451	89	421	12	18	540
Prostitution and commercialized vice.....	8	10	3			13
(a) Prostitution and commercialized vice ¹	91	43	129			172
Sex offenses (except 2 and 13).....	189	77	62	6	33	178
(a) Sex offenses ¹	149	92	83	4	10	189

¹ Misdemeanors.

CRIME IN THE DISTRICT OF COLUMBIA

Fiscal year 1950—Continued

Classification of offenses	Actual offenses reported	Arrests				Total
		Adults		Juveniles		
		White	Colored	White	Colored	
PT. II CLASSES—continued						
Offenses against family and children ¹	152	22	42	7	23	94
Drug laws.....	323	84	230	1		313
(a) Drug laws ¹	5	6			1	7
Liquor laws.....	25	22	15			37
(a) Liquor laws ¹	975	197	1,842		4	2,043
Drunkenness ¹		20,599	17,095	17	25	37,736
Disorderly conduct ¹		5,268	10,330	32	100	15,730
Vagrancy ¹	233	391	318		1	710
Gambling.....	346	180	328			508
(a) Gambling ¹	320	147	527		8	682
All other offenses.....	129	58	55	9	9	131
(a) All other offenses ¹	2,899	4,677	5,980	412	536	11,605
Suspicion.....		1,590	3,146	149	353	5,238
(a) Fugitive from justice ¹	771	269	156	9	7	441
Total.....	11,428	35,214	42,799	685	1,263	79,961

¹ Misdemeanors.

See, generally, Metropolitan Police Exhibits 1 and 43, pp. 2—97 and 1259-1323 of record.

See also report of U. S. Park Police, U. S. Park Police Exhibit No. 1, record, pp. 622-645 of hearings.

TITLE I—TABLE OF CONTENTS AND DEFINITIONS

Section 101 and section 102 are self-explanatory except for section 102 (b). This section relates to those penal provisions of the law ((1) Possessing implements of crime; (2) The indeterminate-sentence law; (3) Committing crime when armed, added punishment; (4) Persons convicted of a crime, forbidden to possess a pistol; (5) Carrying concealed weapons; and (6) Possession of certain dangerous weapons prohibited) which provide for a greater punishment, upon conviction of any one of the crimes set forth above, if the offender has previously been convicted of another felony.

TITLE II—CRIMINAL OFFENSES

MINIMUM SENTENCES FOR CERTAIN CRIMES

Your committee is unanimously of the opinion that the perpetrators of the heinous crimes of armed robbery, robbery by force and violence, housebreaking at night, assault with intent to commit rape, rape, and a second conviction of a crime of violence committed when armed should be punished swiftly and with a certainty that will deter even the most arrant offender. (For statistics concerning the incidence of rape see pp. 762-764 of the record; attempted assault with intent to commit rape, carnal knowledge and attempted carnal knowledge, see pp. 766-771; robbery, pp. 782-810, housebreaking, pp. 814-843.) In addition, your committee was particularly impressed with the documentary evidence submitted by the Washington Criminal Justice Association relative to sex offenses. This exhibit appears on pages 657-662 and it shows in detail a number of serious sex offenses committed during the period of January 1-June 30, 1949, and the disposition of those cases in the courts. While it is true, as many public

officials have asserted, such a provision makes mandatory the imposition of minimum sentences, your committee feels that the crimes enumerated occur with such frequency and are of such a serious nature as not to permit suspended sentence, probation, or parole. Your committee realizes that such minimum mandatory sentences to a degree will reduce the discretionary power of sentencing and probation now vested in the various courts of the District and that such sentences circumscribe the power of the Parole Board to apply to the court for a reduction of a prisoner's minimum mandatory sentence. The hearings of the Special Subcommittee on Crime and Law Enforcement, as well as the statistics referred to above clearly show that the incidence of the above listed crimes is especially high in the District of Columbia and that offenders continue to repeat the commission of such crimes.

Section 201, in your committee's considered opinion, is therefore necessary so that mandatory minimum sentences may be imposed, since discretionary sentencing has not adequately deterred the commission of these serious crimes, or recidivists among the criminal element. Your committee is firmly of the opinion that offenders should not be permitted to plead guilty to a lesser crime in order that probation or suspended sentence be available to them. The testimony of Mr. Edward W. Garrett, Chief Parole Officer, United States District Court for the District of Columbia, indicates that the practice of reducing such crimes to a lesser crime has, from time to time, been exercised in serious cases.

Your committee does not feel that minimum mandatory sentences for crimes which are unquestionably local in character, as distinguished from Federal offenses, in any way causes a deviation from the established uniformity of sentencing for purely Federal crimes, or that such provisions affect the "Federal pattern." Your committee feels that punishing those who continue to commit such crimes of violence by requiring that they serve a minimum mandatory sentence will afford the citizens of the District of Columbia with more effective protection from the criminal elements in the community.

With respect to new subsection (c) of section 201, providing for a minimum sentence for assault with a dangerous weapon on a police officer, your committee is of the unanimous opinion that the effect of this provision will be most salutary. The degree of respect in which the law is held by the criminal element of the community can be measured to a considerable extent by the number of such assaults perpetrated on the officers of the law. The special subcommittee made detailed studies of assaults on police officers and concluded that more active prosecution and more severe sentences are to be recommended. In like manner, subsection (c) of section 201 represents your committee's opinion that a person in illegal possession of a pistol, should be punished, upon a second conviction, with a mandatory minimum sentence of 1 year. While the committee feels, at this time, that there should be little regulation and control over the ownership of pistols by citizens for the protection of their homes and property, it does not regard as justifiable illegal possession by a person not qualified to have a pistol or the carrying of a pistol without a permit where such person has been previously convicted of a violation of the same section. The final provision of 201 (a) relating to a minimum mandatory sentence, upon a second conviction, in the case of illegal possession of implements of crime represents your committee's

opinion that the high incidence of housebreaking by means of these tools justifies the imposition of minimum mandatory sentences upon second offenders.

Section 201 (b) (line 8, p. 6) is considered essential in order that such mandatory minimum sentences as are provided shall be enforced. Your committee feels that an offender convicted of the crimes outlined in section 201 (b) should be compelled to serve at least the minimum specified for the crime before he becomes eligible for parole. A similar provision in section 201 (c) automatically bars such offenders from suspended sentences or probation so that the mandatory minimum sentence theory be made consistent. Your committee wishes to reemphasize that, in its opinion, these provisions which relate only to crimes of the most serious nature, will do much to protect the law-abiding elements of the community, and will substantially reduce the incidence of the specific crimes included in the purview of section 201. It has carefully considered the objections offered, and has reached this conclusion after prolonged consultation, study, and debate. The committee earnestly commends this section for the favorable consideration of the Congress.

SEX OFFENSES

Section 202 substantially strengthens the provisions of the District of Columbia Code relating to sex offenses as shown by the hearings of the special subcommittee and the exhibits contained therein. Sex offenses are being committed at a most alarming rate. Offenders of this nature are contributing more and more to the crime problem of the District. The testimony of Mr. Joseph M. Sanford, Director of Probation for the municipal court for the District of Columbia (pp. 676-688) plainly illustrates that persons charged with the indecent acts contemplated in section 202 may, and often do, become persons who commit much more serious crimes. Numerous other cases are reported statistically in the United States attorney's testimony on page 646 of the record. The testimony of Inspector Mark H. Raspberry, Chief of the United States Park Police, as well as the United States Park Police exhibit No. I, is "That any perverted-minded individual is a potential rapist if the opportunity presents itself." The operation of the Miller Act (Public Law 615, 80th Cong.) has substantially aided law-enforcement officials to curb the activities of such offenders. (See United States attorney's exhibit III and the Department of Corrections exhibit I on pp. 646-650 of the record.) Striking case histories presented by Lt. John B. Layton, then head of the sex squad, Metropolitan Police Department, indicates the great need for a further strengthening of the law relating to sex offenders. Section 202 will give the police, the prosecutors, and the courts means with which to abate this vicious type of offense. It has received the wholehearted approval of officials and agencies intimately associated with the problem of sex offenses and offenders. Civic groups and individuals who are becoming increasingly concerned by the serious threat presented by these offenses have warmly endorsed the section. Through diligent application of that section many offenders who have previously not been adequately dealt with may now be curbed before their impulses lead them to the terrible and extreme crimes of carnal knowledge, rape, and homicide.

ABORTION

Section 203 is designed to afford the prosecuting officials of the District of Columbia with a more workable law designed to more adequately deal with the immoral and destructive crime of abortion. This section results from the subcommittee's study of this offense, and the recommendation of the United States attorney for the District of Columbia (p. 940, record) after consultations with the staff of the special subcommittee. It has met with the approval of the judges of the United States District Court for the District of Columbia, and is regarded as a necessary and salutary provision by all concerned. The seriousness of this nefarious practice, requires, in this committee's opinion, stronger measures of control.

AMENDMENTS TO THE DANGEROUS WEAPONS ACT

Your committee strongly supports section 204 of H. R. 4141 because it strengthens considerably the existing sections of the law designed to prohibit the illegal possession of pistols and other dangerous weapons. This section does not in any way infringe upon the rights of law-abiding citizens to own a pistol; and is widely endorsed by persons interested in the firearms and dangerous weapons problem. Your committee is unanimously of the opinion that the persons forbidden to possess pistols enumerated in section 204 (b) represent individuals, who for varied reasons should not be permitted to possess a pistol and who, if permitted to possess a pistol, would be a menace to life and safety. The provision raising the possible maximum penalty for second offenders is realistic and has received the support of law-enforcing officials in the District. In this respect it may be noted that section 204 (b) contains a new provision which makes it unlawful for a person to keep for or make available a pistol to any person not qualified by law to possess such a weapon.

Subsections (d), (e), (f), and (g) of section 204 of the bill are likewise calculated to strengthen existing law by requiring that the proper and correct information be recorded by the seller of the pistol in order that compliance with existing regulations may be more effectual. Your committee, in conjunction with appropriate representatives of law-enforcing agencies in the District, is assured that these provisions will beneficially affect law enforcement in several significant aspects. There are instances on record where persons, who are now barred from the possession of a pistol because of a previous conviction of a felony have used persons, who are not so prohibited, to keep weapons for them.

Your committee calls attention to the fact that the enactment of such a legislative measure will not in any way militate against the right of the law-abiding citizen to possess a pistol for the protection of his person and property.

Of particular significance to the community is subsection 204 (h). In its investigation of weapons used in homicides and aggravated assaults (pp. 940 and 1320 of the record) the special subcommittee found revealing evidence of the constant, regular, and unhesitating use of knives in the commission of such crimes of violence; especially knives of a variety known as switch-blade knives. The records and

exhibits show that in fiscal year 1949 knives were employed in 1,398 instances of aggravated assault while in fiscal year 1950 such weapons were used in 1,372 cases. A detailed study of aggravated assaults appears on pages 854 to 890 of the record. (See also table at bottom of p. 1320.)

Furthermore the Uniform Crime Reports of the Federal Bureau of Investigation states that Washington, D. C., ranks second in cities throughout the country in number of aggravated assaults. An excellent analysis of the seriousness of the situation appears in the Washington Criminal Justice Association exhibit No. 2 on page 1373 of the record. In testimony by Mr. Fay (p. 940 of the record), ample justification is provided for the specific inclusion of the switch-blade knife in the Dangerous Weapons Act. Mr. Fay stated: " * * * several of the statutes occurred to me that do need amendment. One is the dangerous-weapons statute. I have no hesitancy in saying that that statute should be examined and integrated with the other related statutes and there are several with respect to a very common instrument, the switch-blade knife, because it has been our experience * * * that it is one of the deadliest weapons that can be carried. It is a very deadly weapon."

Your committee feels that the outright denial of the dubious rights to possess a switch-blade knife is essential to the peace and welfare of the community. In like respect H. R. 4141 makes it a crime to possess, *with intent to use unlawfully against another* (emphasis added), any imitation pistol or a dagger, dirk, razor, stiletto, or knife, with a blade longer than 3 inches, or other dangerous weapon. The mere possession of these weapons cannot, your committee realizes, be barred; but if the possession, coupled with criminal intent can be shown to exist, your committee feels that appropriate punishment should follow.

ASSAULT ON POLICE OFFICER

In addition to the provisions of section 201 (a) of this bill (provision for mandatory minimum sentences for persons assaulting a police officer, with a dangerous weapon) your committee has concluded that it is imperative to provide greater protection to the members of the various police forces from the ever increasing number of assaults committed upon them during the discharge of their lawful duties.

Testimony from various police officers, who have been assaulted with weapons such as automobiles, pistols, billies, knives, and clubs, is dramatically set forth by these officers on pages 218 to 241 and 270 to 279 and 310 to 315 of the record. A statistical study appearing in the Metropolitan Police Exhibit No. I (pp. 92 to 97 of the record) specifically sets forth the incidence of such assaults for the fiscal year 1949. Testimony showing a few of the many victims of such attacks is more than adequate evidence for the increased punishment provisions of this section. The Metropolitan Police Department, the United States attorney and the courts support this provision, which in fact, is carefully patterned after the statute prescribing punishment for assaults on other Federal officers.

CONFISCATION OR FORFEITURE OF PROPERTY USED IN VIOLATING
GAMBLING LAWS

Your committee believes that this provision of the bill will enable the police, prosecutors, and courts to enforce more effectively the laws to suppress gambling in the District. The method contemplated by this section will strike the gamblers and the gambling rackets in a very effective way in a most vulnerable spot. Patterned after the general forfeiture provisions of the United States Code relating to contraband, this section will permit enforcement officers to seize and the courts to declare forfeited those devices and appurtenances used in gambling. The enactment of this provision will enable law enforcement officials to strike telling blows at operators of the numbers racket and similar illegal rackets. Confiscation of money, automobiles, and other personal property will, by use of this section, aid immeasurably in making the gambling racket unprofitable.

ARRESTS WITHOUT WARRANT

In your committee's opinion section 207 will contribute immeasurably to the effective operation of the Metropolitan Police Department. The section provides for arrests without warrant, searches and seizures pursuant to such arrests, only in the cases enumerated herein: (1) The possession of implements of crime (burglary tools), in violation of section 211 of this bill; (2) possession of a pistol in violation of section 3 of the Dangerous Weapons Act; (3) carrying of a dangerous weapon in violation of section 4 of Dangerous Weapons Act; (4) possession of a dangerous weapon in violation of section 14 of the Dangerous Weapons Act; (5) the possession of lottery or policy tickets in violation of section 863 (a) of the 1901 code; (6) possession of property taken in violation of the petit larceny section of the District of Columbia Code. Section 207 gives to the police the power, as in the case of a felony, to arrest an offender upon probable cause that one or more of these specific crimes have been committed. As the law now stands such arrests can only be made, as in the case of misdemeanors generally, only after the swearing out of a warrant before the United States Commissioner of a judge of the municipal court for the District of Columbia. Documentation as to the difficulties attendant upon the present procedure may be found in the testimony of George Morris Fay, United States Attorney for the District of Columbia (pp. 915-920). The present necessity for obtaining a warrant for a person, who in the opinion of the arresting officer has committed a crime of such serious nature as those enumerated above, is in effect permitting the offender to leave the jurisdiction or to dispose of the evidence so as to make prosecution difficult if not impossible. The present provision of the dangerous weapon statute relating to arrests upon probable cause has worked with commendable success and provides ample justification and support of the efficacy of extending the law.

PRESENCE IN ILLEGAL ESTABLISHMENTS

Your committee recommends that section 208 of the bill be enacted into law to make "presence in illegal establishments" a punishable offense. At present persons frequenting gambling establishments or

an establishment where any narcotic drug is sold, administered, or dispensed without a license, are merely subjected to the inconvenience of posting the nominal bond required in all disorderly conduct cases. If the police are unable to prove a disorderly act on the part of such a person he may and often does demand and receive back the moneys put up as a bond for his appearance. The testimony of Maj Robert J. Barrett, Metropolitan Police Department, amply substantiates this fact. In other cases, such persons have customarily elected to forfeit the posted collateral. This should not be permitted. Your committee is of the considered opinion that many of the difficulties presently experienced by the police and prosecutors and courts in bringing these violators to justice would be eliminated by this section. In like manner unless a specific disorderly act can be alleged and proved against an employee of such an establishment, the mere imposition of a fine or the forfeiture of collateral for such willful participation in any illegal activity becomes a mere license to engage in whatever illegal activity the offender so desires.

POSSESSION OF IMPLEMENTS OF CRIME

Prior to the drafting of section 209 of H. R. 4141, the offense of "possessing implements of crime" was a mere violation of the vagrancy provision of the District of Columbia Code. Your committee is of the opinion that the great number of housebreaking offenses committed in the District (specific statistics in police exhibit No. 23, pp. 814 and 843) can be substantially reduced by making the possession of the "possession of burglary tools" a definite crime which, upon conviction, carries with it appropriate punishment. An analysis of the tools and methods used in housebreaking appears on pages 54 and 1321 of the record of the subcommittee. This change in the law has likewise been accepted and actively endorsed as more beneficial by those concerned with law enforcement in the District.

UNLAWFUL ASSEMBLY—PROFANE AND INDECENT LANGUAGE

In some instances law enforcement officials and your committee consider it necessary to increase the maximum limitation of punishment for certain offenses. The misdemeanor "Unlawful assembly—profane and indecent language" is one of these instances. Section 210 providing for the raising of this maximum has the endorsement of law enforcement officials, and will aid substantially in raising the over-all tenor of law enforcement in the District.

DISORDERLY CONDUCT

This provision sets out in detail the specific acts not included in the present statute which constitute disorderly conduct. By using the statute, the officials charged with the responsibilities of enforcing the law will have a definite standard or yardstick by which specific disorderly conduct can be measured. It is felt by your committee that such definition will appropriately reduce the frequent occurrences of this misdemeanor.

THREATS TO DO BODILY HARM

Under existing law the crime of "threats to do bodily harm" was virtually ineffectual to control situations which frequently result in serious aggravated assault, and sometimes in homicide. Your committee's amendments to this section grew out of a study of the effectiveness of the present law and was dramatically illustrated in the presence of the subcommittee staff in the case of Willie McLaurin (pp. 940-956 of the record). Testimony adduced from George Morris Fay, United States attorney, is set forth as follows:

There is a very definite need for an amendment to our threat statute; as it stands right today it is a perfectly useless statute dealing with threats. In other words, an individual now can go up to somebody and threaten to cut his heart out, as far as that goes, and that threat comes down to our office and the only action that we can give is present the facts to the court and the court can place that defendant under a \$500 peace bond. * * * My point is that it does not protect the community. I will have a suggestion incorporated in my memorandum that the law should be amended to permit the court to impose a sentence on that man and put him under probation right then and there when a charge of threat is proven against him—then if he commits the act he would not only have to serve the term of the sentence then imposed, but, whatever was the length of his probation.

UNLAWFUL ENTRY

In order to further protect the property of the citizens of the District of Columbia, your committee has broadened the scope of the unlawful-entry statute. Many instances of vandalism and encroachment on the rights of property owners in the District of Columbia have high-lighted the need for more effective punishment and the desirability of broader application of the law with respect to this offense. The committee's investigation and the testimony of Mr. Fay indicates that this amendment is needed (p. 939 record).

RECEIVING STOLEN GOODS

Section 216 relates to the nefarious practice of acting as a "fence," or buying and selling merchandise obtained through larceny, burglary, robbery, and such crimes. As set forth in the testimony of J. Warren Wilson, assistant United States attorney in charge of the criminal division of the municipal court for the District of Columbia, "* * * where we can establish with fair evidence that an adult has in fact been a Fagin and induced a juvenile to commit crimes from which he has benefited, we should exercise every instrument under our control to see that he is properly dealt with. * * * I for a long time personally have been disturbed as to the language of the receiving-stolen-property statute * * *" (pp. 752-753). The need for this more stringent provision has been recognized by all. Your committee unanimously recommends passage of section 214 to abate this immoral practice of trading in stolen goods.

TITLE III—METROPOLITAN POLICE DEPARTMENT

RECORDS—GENERAL PROVISIONS

In its investigation of the incidence of crime and the effectiveness of the enforcement of criminal law in the District, your committee has received valuable and useful information in the form of statistics and records from the Metropolitan Police Department. (See generally Metropolitan Police Department exhibits 1-43 pp. 2-97, 1259-1323. See also U. S. Park Police exhibit I, pp. 622-645.) There has been installed within the Metropolitan Police Department a system of statistical records patterned after the model recommended by the Federal Bureau of Investigation. Under the able leadership of acting captain, Earl P. Hartman, this record system has produced most of the material essential to a full study of the incidence of crime, the distribution, availability, and efficiency of the police force in the performance of its assigned responsibilities. However, your committee did not have available to it similar information readily accessible from other agencies directly concerned with the enforcement of law in the District. Such records as did exist were entirely inadequate for use in judging the efficiency of these branches. More important, perhaps, than this, is the conclusion that nowhere in the District is there any one central place at which the entire picture of the situation as it exists may be found. There is no person or group of persons, nor is there any agency sufficiently well informed to prepare an adequate analysis of crime in the District of Columbia with a view of formulating a master plan to control the criminal elements preying upon the community. The very lack of such central intelligence itself presents a serious problem in evaluating the performance of each agency responsible for the particular role that is its responsibility to perform. The resulting inability of these agencies to coordinate their activities in order that the District and its inhabitants may have well-balanced protection portends consequences serious to the welfare of all.

The great need for such a central records and intelligence unit has been amply demonstrated throughout your committee's investigation.

Your committee strongly feels that sections 301, 302, 303 and 304 relating to central criminal records, records by independent police, and notice of release of prisoners, are essential to the creation and maintenance of that measure of control and planning vital to the protection of the District.

BONDING OF METROPOLITAN POLICE

In view of the fact that various police officers and officials handle sums of money and other valuable property during the course of their assigned duties, and since no provision has heretofore been made to bond more than a few of the officials in key positions your committee recommends that the provision for blanket bonding as set forth in section 305 be enacted. At present the few officials who are bonded must pay the premium thereon from their own resources. Your committee feels that the general beneficial effects of blanket bonding will be ample justification for the cost resulting thereon. The testimony of Vernon E. West, Corporation Counsel for the District of Columbia,

indicates that the cost of such bonding covering all members of the Metropolitan Police Department will be about \$2,000 (hearings before the full committee, April 18, 1951).

FEES FOR STORING PROPERTY

Section 306 provides for the collection of standard fees for the storing of property coming into the hands of the property clerk of the Metropolitan Police Department. The demands continually made upon the clerk are time consuming and involve risks for which no fee is provided. Your committee feels that in the interest of economy a proper schedule of fees would not be unreasonable and should be assessed.

MOBILE LABORATORY

This section authorizes the purchase of a much needed and important facility for the detection and prevention of criminal activity and the apprehension of the offenders. A mobile laboratory containing such scientific instruments will provide necessary facilities for on-the-spot investigations of essential evidence which heretofore, in some cases, has been inadvertently lost or destroyed.

TITLE IV—GENERAL PROVISIONS

THE COUNCIL ON LAW ENFORCEMENT IN THE DISTRICT

Law enforcement in the District of Columbia would benefit immeasurably by a creation of a permanent continuing Council on Law Enforcement. Throughout the special subcommittee's investigation and in the period during which the committee prints of this bill have been drafted and discussed your committee has had the benefit of the expert counsel and advice of all of the number of public and private agencies concerned with the enforcement of law in the District. In great measure this bill results from this cooperative effort to provide remedies for the situations found to exist. The functions of a Council on Law Enforcement would have the same constructive effect. A liaison and coordination of functions could be harmoniously achieved and problems affecting the operation of the various agencies could be viewed in perspective of the total requirements of the community. By the functioning of such a council the greatest benefits will accrue to the District of Columbia. The Council would be a focal center for the study of the incidence of crime and would provide for formulation of specific and detailed plans for the solution of the particular problem at that time facing the community. Cooperation to a higher degree and an understanding of the particular problems facing each agency will be engendered and encouraged thereby.

Your committee wishes to reemphasize the growing need for a responsible and coordinated effort to bring under control the criminal activity now victimizing the community. It is recognized that the Council on Law Enforcement is not an end in itself but represents a forward step in the community awareness of the present serious situation. Your committee feels that the public interest engendered at the hearings of its special subcommittee and at the hearings of the full committee on this bill indicates a healthy realization that the

abatement of crime is the responsibility of everyone in the community. This provision has the support and endorsement of all the agencies and officials concerned, as well as the committee.

UNITED STATES ATTORNEY

The United States attorney for the District of Columbia occupies a position unique in the general pattern of such organizations in the United States. His duties require not only the prosecution of those criminal offenses against the United States which are denominated peculiarly as Federal offenses and the handling of Federal Civil cases, but also embrace the local responsibilities incumbent upon any States' attorney or local prosecutor (pp. 245 and 289 of the record).

Many suits against the Federal Government may be brought and tried only in the District of Columbia (p. 252 of the record). Compared with other jurisdictions (p. 1342 of record) the office of the United States attorney for the District of Columbia has a jurisdiction which is unlike that of any other United States attorney's office in the United States. Preparation for trial is often scant and to be frank, inadequate, because of the great volume of work (pp. 250-256). (See tables generally 1439-1461.) To the end that this office may be provided with the assistance that is necessary for the preparation of local criminal offenses, your committee recommends that a staff of investigators be authorized for this office.

In addition and in recognition of this multiple responsibility of the United States attorney, your committee has recommended that the budget estimates of this particular office be submitted separately from the estimates which include all the other offices of the United States attorney. This will, in effect, provide for a more equitable distribution of funds so that proper allocation may be made for the prosecution of purely local offenses.

UNITED STATES COMMISSIONER

As in the case of the United States attorney, the office of the United States Commissioner for the District of Columbia involves the combined responsibilities of Federal and purely local functions (see testimony of United States Commissioner Cyril S. Lawrence, pp. 330 and 1136 to 1153). The traditional requirement that the United States commissioner provide all of his own facilities, stenographic and clerical help, cannot apply to a jurisdiction in which a dominant proportion of local cases are handled by the commissioner. There is a great need for stenographic and clerical facilities in this office to insure the proper issuance of search and arrest warrants amounting to 4,000 or more a year (p. 1138 of hearings). There is a great need for a permanent stenographic record to be kept by the commissioner who is often called upon to testify as to admissions made during the course of hearings before him. In many cases the commissioner is obliged to testify and to be interrogated by counsel for both the Government and the defense as to these admissions, which have often proven to be of vital importance to the Government's case (p. 1141 of record).

The commissioner's brief handwritten minutes of the proceedings before him are not an adequate substitute for a proper transcript. Your committee recognizes the need for, and recommends, that the

facilities of stenographic and clerical assistance be provided the United States commissioner.

AFTER HOURS CLUBS

Section 404: The committee unanimously condemn the existence of the so-called after hours or bottle clubs. These sordid enterprises threaten the safety, welfare, and peace of the community. They are breeding places of crime and corruption. They come into existence as frauds, masquerading as benevolent, educational, and social organizations under the guise of legitimacy; they constitute a perversion of the law under which their charters are obtained. In order to control effectively these clubs, and to abolish those which undertake to operate illicitly, your committee hereby recommends the enactment of section 404 of the District of Columbia Law Enforcement Act of 1951.

In the first draft of the bill the subcommittee made no provision to license or regulate these clubs, but simply declared them to be nuisances and provided for their abatement as nuisances. Objection to this procedure was raised by the Corporation Counsel and the Commissioners on the ground that any abatement provision strong enough to include all these after-hours clubs would also include some legitimate and bona fide organizations. The Corporation Counsel recommended finally a two-pronged remedy, namely regulatory provisions which would enable the Alcoholic Beverage Control Board to fully regulate and control these fraudulent clubs, which heretofore were under no regulation whatever, and secondly procedure to promptly abate them as nuisances if they fail to comply with the regulations issued.

Section 404 as now written contains these two legislative provisions, and the committee believes the section will afford adequate relief against further illegitimate activities of these crime breeding dives.

By means of the licensing device contained therein such heretofore unregulated clubs will be subjected to the regulations and standards of operation set for them by the Alcoholic Beverage Control Board. In addition such clubs will be subjected to whatever degree of constant inspection and surveillance may be necessary in the public interest. It is believed by the committee that this method of licensed regulation will protect the community from the effects of criminal activities heretofore emanating from these clubs. (See testimony of Capt. Beverly C. Beach, p. 601 and Capt. Howard F. Covell, pp. 571 and 600.) In addition, bona fide and legitimate clubs and other commercial licensees will be protected from unwarranted competition engendered by these after-hours clubs. (See testimony hearings April 24, 1951.)

Any such establishment found to be operating in violation of the regulatory provisions of this section shall be declared a public nuisance and may be abated forthwith. Additional testimony as to the anti-social effect of these enterprises can be found in the record pages 411 to 604.

PSYCHIATRIST AND PSYCHOLOGIST

As a result of the subcommittee's investigation and recommendations made to the subcommittee by the probation officers of the District and municipal courts, section 405 of H. R. 4141 provides for the

appointment of a psychiatrist and psychologist. The already over-worked staff presently engaged in developing information relative to offenders who require such treatment need the additional assistance contemplated in this act in order that their important function in law enforcements be permitted to continue.

RECORDS TO BE KEPT BY BONDSMEN

Section 406 of H. R. 4141 provides specific statutory criteria for the keeping of records by bondsmen operating in the courts of the District of Columbia. Such legislative provisions were found to be necessary in order that the proper control of bonding activities be assured. The Special Subcommittee To Investigate Crime and Law Enforcement held hearings on the subject of such regulation or lack of it, and the evidence adduced demonstrates with significant clarity that such measures are essential. During the hearings it developed that existing regulations were honored more in the breach than in the observance (pp. 315, 409, 1155, 1249), and that the criminal element, if not directly linked with the bondsmen were at least receiving active aid, comfort and support from them. The very fact that one of these bondsmen could not remember "the name of the person calling him" (pp. 319-330, 1191 of record) and that the rates charged for bonds covering gambling violations was set at one-half the prevailing rate, (p. 344 record) is enough to require that remedial legislation be enacted without delay. This section makes it a penal offense to violate these rules and gives to the prosecutors and courts much needed authority to control the illegal operations of bondsmen as practiced in the past.

INFORMATION WITH RESPECT TO LAUNDRY MARKS

This provision authorizes the Commissioners for the District of Columbia to require the registration of laundry and cleaners marks and other identifying marks so that the police may be assisted in their criminal identification work. Such registration has been used to great advantage in many other metropolitan areas throughout the country and is a valuable aid in many instances in the detection of criminal offenders. So important was the laundry mark in the case of William Leach (606 record) that the perpetrator of a particularly vicious rape was apprehended within a short time. Your committee feels that this measure will substantially assist in the detection of crime.

QUALIFICATION OF JURORS

Your committee feels that section 408 will have a salutary effect on the selection and qualification of jurors in the District of Columbia. The mere fact that a prospective juror has reached the age of 65 years should not be an automatic disqualification such as would prevent that person from rendering valuable service to the community. To that end, this section removes from the qualifications of jurors the restriction that the juror be a person under the age of 65 years. This section also gives to the jury commissioners some discretion in the placing of names of prospective jurors in the jury box, which should be of assistance to the jury commissioners in their efforts to provide

for jury service men and women of high standards of character and citizenship.

CONCLUSIONS

H. R. 4141, in your committee's opinion, represents a substantial measure of progress in providing for the more effective prevention, detection and punishment of crime in the District of Columbia. In addition to the legislation contained in this bill, however, a number of administrative changes have been recommended, which is but a partial compendium of the many your committee believe to be essential for the active and continuing protection of society. The function of this committee is to provide, insofar as may be possible, the legislation and administrative action by which crime may be further brought under control. The committee, however, cannot substitute its zeal for active law enforcement for the zeal that must be demonstrated by the authorities responsible for their enforcement. Therefore your committee earnestly calls to the attention of all these authorities, the police, the prosecutors, the judges of the courts as well as others concerned the urgent need that the criminal laws be enforced with vigor and full justice. In like manner, your committee commends to the attention of all the citizens of the District of Columbia the responsibilities that are theirs in the observance and enforcement of the law.

The responsibility for law observance and law enforcement is one of the important responsibilities of citizenship, and the safety and security of the community and its citizens depend upon a continuing recognition of these duties and responsibilities by all good citizens, as well as public officers and law enforcement agencies.

SECTION-BY-SECTION ANALYSIS

TITLE I—TABLE OF CONTENTS AND DEFINITIONS

SECTION 101—DEFINITIONS

This section contains the table of contents.

SECTION 102—DEFINITIONS

Section 102 (a): This subsection contains definitions of terms used in the bill.

Section 102 (b): This subsection relates to those penal provisions which prescribe a greater punishment, upon conviction of a given crime, if the offender has previously been convicted of another crime. The subsection provides that in applying those penal provisions, conviction of two or more crimes charged in separate counts of one indictment or information, or in two or more indictments consolidated for trial, shall be considered only one conviction.

TITLE II—CRIMINAL OFFENSES

SECTION 201—MINIMUM SENTENCES FOR CERTAIN CRIMES

Section 201 (a): This subsection adds two new subsections, (b) and (c), to section 3 of the act of July 15, 1932 (D. C. Code, sec. 24-203), providing for indeterminate sentences.

New subsection (b) provides that (1) the minimum sentence for assault with attempt to commit rape, robbery (other than picking pockets), and housebreaking at night shall not be less than 1 year; (2) the minimum sentence for anyone convicted of a crime listed in (1) who has previously been convicted of a crime of violence as defined in section 1 of the Dangerous Weapons Act of July 8, 1932 (murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with attempt to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with attempt to commit any offense punishable by imprisonment in the penitentiary), shall not be less than 3 years; and (3) the minimum sentence for rape shall not be less than 5 years, and, if the offender has previously been convicted of a crime of violence as defined above, the minimum sentence shall not be less than 10 years.

New subsection (c) provides that (1) the minimum sentence for assault with a dangerous weapon on a police officer shall not be less than 1 year; (2) the minimum sentence for illegal possession of a pistol shall not be less than 1 year if the offender has previously been convicted of such an offense; and (3) the minimum sentence for illegal possession of implements of crime (burglar tools) shall not be less than 1 year if the offender has previously been convicted of such an offense or a felony.

Section 201 (b): This subsection amends section 4 of the act of July 17, 1947 (D. C. Code, sec. 24-201c), which authorizes the reduction of minimum sentences upon application by the Board of Parole. The amendment would prevent that section's use to reduce a minimum sentence, in any case where the new subsection (b) explained above applies, below the minimum prescribed by that subsection.

Section 201 (c): This subsection amends section 2 of the act of June 25, 1910 (D. C. Code, sec. 24-102), which established a system of probation for the District. Section 2 now bars probation to persons convicted of treason, homicide, rape, arson, or kidnaping, or twice convicted of a felony, and allows it in all other cases as the court sees fit. The amendment would also bar probation to persons convicted of robbery, housebreaking at night, or assault with intent to commit rape.

Section 201 (d): This subsection provides that the amendments made by this section shall not have a retroactive effect.

SECTION 202—SEX OFFENSES

Section 202 (a): The first paragraph of this subsection amends section 9 of the act of July 29, 1892 (D. C. Code, sec. 22-1112), relating to indecent exposure, by—

1. Removing the language which restricts the application of the section to indecent exposures occurring generally in or on public space, so that the section as amended punishes such acts occurring anywhere in the District;

2. Broadening the section to cover the making of any lewd, obscene, or indecent sexual proposal, and the commission of any other lewd, obscene, or indecent act; and

3. Increasing the maximum punishment for simple offenses from \$250 fine or 90 days' imprisonment, as now provided, to

\$300 fine or 90 days' imprisonment, or both; and increasing the maximum punishment for offenses committed in the presence of a child from \$500 fine or 6 months' imprisonment, as now provided, to \$1,000 fine or 1 years' imprisonment; these increased penalties apply to other indecent acts as well as to indecent exposures.

Paragraph (2) of this subsection makes a conforming amendment to section 18 of the act of July 29, 1892 (D. C. Code, sec. 22-109).

Section 202 (b): This subsection amends the first section of the act of August 15, 1935, relating to solicitation for prostitution (D. C. Code, sec. 22-2701) by—

1. Broadening the section to cover all places within the District, whether public or private; and

2. Increasing the maximum fine from \$100 to \$250.

Section 202 (c): This subsection provides that any person who forfeits collateral after being charged with any of a number of specified sex offenses shall be punished by a fine of not more than twice the maximum fine, or by imprisonment for not more than twice the maximum term, prescribed for the offense with which he was charged. This applies to the following offenses:

1. Indecent exposure and indecent acts, as redefined by section 202 (a) of the bill.

2. Solicitation for immoral purposes, as redefined by section 202 (b) of the bill (but not solicitation for prostitution).

3. Enticing a child under 16 for the purpose of taking indecent liberties with the child.

4. Sodomy.

5. Taking indecent liberties with a child under 16.

6. Attempts to commit any of the above offenses.

SECTION 203—ABORTION

This section amends section 809 of the 1901 code, relating to abortion (D. C. Code, sec. 22-201), by—

1. Raising the maximum penalty where no death occurs from 5 years, as now provided, to 10 years, and raising the maximum penalty where the death of the mother occurs from 20 years, as now provided, to imprisonment for life.

2. Lowering the maximum penalty where the death of the child results from 20 years to 10 years.

3. Establishing a minimum penalty of 1 year where no death results.

4. Making certain other changes recommended by the United States attorney (such as doing away with the defense that the abortion was necessary to preserve the mother's health).

SECTION 204—AMENDMENTS TO THE DANGEROUS WEAPONS ACT

Section 204 (a): This is a technical provision.

Section 204 (b): This subsection amends section 3 of the Dangerous Weapons Act (D. C. Code, sec. 22-3203) by—

1. Broadening the section, which now prohibits the possession of a pistol by any person who has been convicted of a crime of violence as defined by section 1 of the Dangerous Weapons Act

(the crimes included in this definition are set out in the analysis of section 201 (a), so that the section as amended prohibits the possession of a pistol—

- a. By a drug addict;
 - b. By a person who has been convicted of a felony;
 - c. By a person who has been convicted of solicitation for an immoral purpose, keeping a bawdy house, or vagrancy;
 - d. By a person who has been convicted of violating the Dangerous Weapons Act (except that this prohibition does not apply to a dealer licensed under the act);
2. Making it a crime to keep a pistol for, or intentionally make a pistol available to, any person in the above classifications, knowing that he is such a person; and
3. Raising the maximum penalty from 1 year, as now provided, to 10 years' imprisonment for persons convicted two or more times of violating the section. (As previously explained, section 201 of the bill requires a minimum sentence of not less than 1 year in such cases.)

Section 204 (c): This subsection amends section 4 of the Dangerous Weapons Act (D. C. Code, sec. 22-3204), which prohibits the carrying of dangerous weapons and prohibits the carrying of pistols without a license, by—

1. Striking out the existing proviso authorizing arrests without warrant, and searches and seizures pursuant thereto, for violation of the section; this authority is reenacted by section 207 of the bill for violations of this section and other violations; and
2. Raising the maximum penalty from 1 year to 10 years' imprisonment for persons convicted of violating the section after having previously been convicted of such an offense or a felony.

Section 204 (d): This subsection amends section 7 of the Dangerous Weapons Act (D. C. Code, sec. 22-3207), which provides that pistols shall not be sold to persons the seller has reason to believe are of unsound mind or drug addicts or have been convicted of a crime of violence and that pistols shall not be sold to persons under 18 years of age. The amendment raises the age limitation to 21 years and, to conform with the change made by the bill to section 3 of the Dangerous Weapons Act, prohibits the sale of pistols to persons forbidden by that section to possess a pistol.

Section 204 (e), (f), and (g): These subsections amend sections 8 and 10 of the Dangerous Weapons Act (D. C. Code, sec. 22-3208, 3210) by making conforming changes necessitated by the broadened prohibition against possessing pistols contained in section 204 (b) of the bill.

Section 204 (h): This subsection amends section 14 of the Dangerous Weapons Act (D. C. Code, sec. 22-3214), which prohibits possession of certain dangerous weapons by anyone except police, members of the armed services, and other authorized personnel, by—

1. Adding billies, bludgeons, and switch-blade knives to the list of weapons possession of which is absolutely forbidden;
2. Adding a new subsection which makes it unlawful for anyone to possess, with intent to use unlawfully against another, any imitation pistol, or a dagger, dirk, razor, stiletto, or knife with a blade longer than three inches, or other dangerous weapon. The

existing penalty of a fine of up to \$1,000 or imprisonment for not more than 1 year, or both, for violating the act applies to this new subsection; and

3. Raising the maximum penalty from 1 year to 10 years' imprisonment, for persons convicted of violating the section after having previously been convicted of a violation of the section or a felony.

SECTION 205—ASSAULT ON POLICE OFFICER

This section amends section 432 of the Revised Statutes, D. C. (D. C. Code, sec. 22-505), relating to assault on a police officer, by raising the maximum penalty for violation of the section from a fine of \$500 or imprisonment for 2 years, as now provided, to a fine of \$5,000 or imprisonment for 5 years, or both, and to imprisonment for 10 years if a dangerous weapon is used. As previously explained, section 201 (a) of the bill requires a minimum sentence of not less than 1 year in the latter case.

SECTION 206—FORFEITURE OF PROPERTY USED IN VIOLATING GAMBLING LAWS

This section provides for the seizure and forfeiture of any personal property used in violating the District gambling laws. Forfeiture proceedings under this section will be brought in the United States District Court for the District of Columbia in accordance with chapter 163 of title 28 of the United States Code, governing forfeiture proceedings under Federal law generally.

SECTION 207—ARRESTS WITHOUT WARRANT

This section permits arrests without warrant, and searches and seizures pursuant thereto, to be made by police officers, as in the case of felonies, upon probable cause that at the time of the arrest the person arrested—

1. Possesses implements of crime (burglar tools) in violation of section 209 of the bill;

2. Possesses a pistol in violation of section 3 of the Dangerous Weapons Act, as amended by section 204 (b) of the bill;

3. Is carrying a weapon in violation of section 4 of the Dangerous Weapons Act, as amended by section 204 (c) of the bill;

4. Possesses a dangerous weapon in violation of section 14 of the Dangerous Weapons Act, as amended by section 204 (h) of the bill;

5. Possesses lottery or policy tickets in violation of section 863 (a) of the 1901 Code (D. C. Code, sec. 22-1502); or

6. Possesses property taken in violation of section 827 of the 1901 Code (petit larceny; D. C. Code, sec. 22-2202).

Similar authority now exists to arrest persons suspected of carrying weapons in violation of section 4 of the Dangerous Weapons Act (see the analysis of section 204 (c) of the bill, but evidence obtained pursuant to such an arrest may not now be used in any criminal proceeding against the person arrested unless at the time of the arrest he was carrying a dangerous weapon on or about his person. The new section 207 extends

this authority to cover the other violations listed above as well as violations of section 4 of the Dangerous Weapons Act; no corresponding limitation is placed on the use of evidence obtained under this authority.

SECTION 208—PRESENCE IN ILLEGAL ESTABLISHMENTS

Section 208 (a): This subsection makes it a crime to be an occupant or habitue of a dive. It provides that anyone found in a gambling joint or a place where narcotics are dispensed without a license, knowing it is such an establishment, shall be imprisoned for not more than 1 year or fined not more than \$500, or both, unless he can give a good account of his presence.

Section 208 (b): This subsection makes it a crime to work in a gambling joint or a place where intoxicating liquor is sold without a license or narcotics are dispensed without a license, knowing that such is the case. The penalty is the same as provided in section 208 (a).

SECTION 209—POSSESSING IMPLEMENTS OF CRIME

This section repeals the provision of the existing vagrancy law which deals with possession of implements of crime (D. C. Code, sec. 22-3302), and reenacts substantially the same provision as an independent offense, but with an increased penalty. The new section provides that no person shall have in his possession any implement for picking locks or pockets, or any other implement that is usually employed or reasonably may be employed in the commission of any crime, if he is unable satisfactorily to account for his possession of the implement. The penalty for violating the section is imprisonment for not more than 1 year, to which a fine of not more than \$1,000 may be added (as opposed to a fine of not more than \$300 or imprisonment for not more than 90 days, or both, under the existing vagrancy provision). If the offender has previously been convicted of violating the section or of a felony, the maximum penalty is imprisonment for 10 years, and, as explained in the analysis of section 201 (a), the minimum sentence shall not be less than 1 year.

SECTION 210—UNLAWFUL ASSEMBLY—PROFANE AND INDECENT LANGUAGE

This section amends section 6 of the Act of July 29, 1892, relating to unlawful assembly and profane and indecent language (D. C. Code, sec. 22-1107) by increasing the maximum penalty from a fine of \$25 to a fine of \$250, or imprisonment for 90 days, or both (the punishment by imprisonment being entirely new).

SECTION 211—DISORDERLY CONDUCT

Section 211 (a): This subsection is based on a provision of the New York Penal Law which has proved extremely useful in curbing disorderly conduct in that State. There is no similarly comprehensive provision of District law relating to disorderly conduct. Those parts of the New York provision which are satisfactorily covered by existing District law are not included in the new section 211.

Section 211 (b): This subsection amends section 18 of the Act of July 29, 1892 (D. C. Code, sec. 22-109), so as to provide that violations of the new section 211 shall be prosecuted in the name of the District and that persons fined for violating the section who fail to pay the fine imposed shall be committed to the workhouse for not more than 6 months.

SECTION 212—THREATS TO DO BODILY HARM

This section amends section 2 of the act of July 16, 1912 (D. C. Code, secs. 11-605 and 22-507), which now provides that persons convicted of threats to do bodily harm shall be required to give a peace bond for a period of not more than 6 months, and in default of the peace bond may be imprisoned for not more than 6 months. The amendment provides that such persons may be imprisoned not more than 6 months and fined not more than \$500, or both, and in addition to or in lieu of that penalty, may be required to give a peace bond for a period of not more than 1 year. The additional sentencing power given to the court by the amendment may be used in cases where the threats are so serious as to warrant greater deterrent punishment.

SECTION 213—UNLAWFUL ENTRY

This section amends section 824 of the 1901 Code (D. C. Code, sec. 22-3102), relating to unlawful entry on property, by—

1. Broadening the section to apply to public as well as private property, and to include other property in addition to dwellings and buildings;

2. Making it unlawful to enter unoccupied property against the will of "the person lawfully in charge thereof", instead of "the lawful owner thereof, or his duly authorized agent", as the section now provides;

3. Making it unlawful to refuse to quit property on the demand of "the lawful occupant, or of the person lawfully in charge thereof", instead of the "lawful owner thereof, or his duly authorized agent", as the section now provides; and

4. Raising the maximum fine which may be imposed for violations of the section from \$50, as now provided, to \$500.

SECTION 214—RECEIVING STOLEN GOODS

This section amends section 829 of the 1901 Code (D. C. Code, sec. 22-2205), which makes it unlawful to receive stolen goods. The changes are as follows:

1. The section now applies only where the person receiving the goods knows they are stolen; as amended, it applies where he knows or has cause to believe the goods are stolen.

2. The section now applies only where the goods are received with intent to defraud the owner; this limitation is eliminated by the amendment.

3. The section now provides for a penalty of up to 10 years imprisonment where the value of the goods received is \$35 or more, and up to 2 years imprisonment where the value of the goods is less than \$35. The amendment changes the line of demarcation from \$35 to

\$50, and reduces the penalty where the value is less than \$50 to a fine of not more than \$500 or imprisonment for not more than 1 year, or both.

TITLE III—METROPOLITAN POLICE DEPARTMENT

SECTION 301—RECORDS—GENERAL PROVISIONS

This section amends sections 386, 389, and 390 of the Revised Statutes, District of Columbia (D. C. Code, secs. 4-134, 4-135, and 4-137), which relate to the records kept by the Metropolitan Police force.

The amendments made by subsection (a) to section 386 of the Revised Statutes, District of Columbia, eliminate the references therein to record books, thus authorizing the use of more efficient record forms, and provide for the keeping of additional records necessary for the efficient operation of the force.

The amendments made by subsection (b) to section 389 of the Revised Statutes, District of Columbia, eliminate the requirement that personnel records of the force be kept open to public inspection at all times.

The amendment made by subsection (c) to section 390 of the Revised Statutes, District of Columbia, permits the District Commissioners, on recommendation by the Major and Superintendent, to destroy obsolete and valueless records.

SECTION 302—CENTRAL CRIMINAL RECORDS

This section requires the Metropolitan Police force to keep a record of each case in which an individual in custody of law-enforcement officers is charged with having committed a crime in the District. The record must show—

1. How the individual came into custody;
2. The charge first placed against him, and any changes in the charge;
3. If he is released without trial, the circumstances of his release;
4. If he is tried, the judgment of the court;
5. If he is convicted, the sentence imposed; and
6. If he is thereafter released from a correctional institution, the circumstances of his release.

The Federal and District officers involved are required to furnish such information as may be necessary for such records, so that complete central controls may be instituted in an effort to coordinate the law-enforcement efforts of all agencies in the District.

SECTION 303—REPORTS BY INDEPENDENT POLICE

This section requires that all police forces operating within the District furnish offense and arrest reports to the Metropolitan Police Department so that the above purposes may be carried out.

SECTION 304—NOTICE OF RELEASE OF PRISONERS

This section requires that the Federal and District Parole Boards and the Department of Corrections of the District furnish the Major

and Superintendent with information relating to the release of inmates committed to penal institutions so that the Metropolitan Police Department has notice of their release as far in advance as may be practicable.

SECTION 305—BONDING OF METROPOLITAN POLICE

This section provides for bonding of all members of the Metropolitan Police Department to protect the District against loss by dishonesty of policemen, who continuously during the performance of their duties handle property belonging to others. Section 2 of the act of February 28, 1901 (D. C. Code, sec. 4-109), which requires certain officers of the force to furnish bonds at their own expense, and is the only existing provision requiring the bonding of any member of the force, is repealed.

SECTION 306—FEES FOR STORING PROPERTY

This section amends section 413 of the Revised Statutes, District of Columbia (D. C. Code, sec. 4-156), so as to authorize the collection of a fee for private property maintained in the custody of the police for the purposes of safekeeping or storage. The section also provides that where impounded vehicles are kept for more than 7 days, a fee may be collected to reimburse the District for storage costs.

SECTION 308—MOBILE LABORATORY

This section specifically authorizes the purchase of a mobile crime laboratory.

TITLE IV—GENERAL PROVISIONS

SECTION 401—THE COUNCIL ON LAW ENFORCEMENT IN THE DISTRICT

This section establishes by legislation a permanent, continuing Council on Law Enforcement for the District of Columbia so that all law-enforcement efforts may be better coordinated and plans for the improvement thereof be formulated and executed. The Council may also recommend various legislative changes relating to the criminal code of the District of Columbia found to be necessary.

SECTION 402—UNITED STATES ATTORNEY

This section provides for the separate itemization of the salaries and expenses for the office of the United States Attorney for the District of Columbia so that funds allocated this office may properly be distributed with respect to the local and purely Federal functions it performs. The section also authorizes the appointment of a permanent staff of investigators to carry on and complete detailed investigations required by the United States Attorney. The staff will concern itself primarily with local cases which ordinarily would be handled in the criminal courts of a State.

SECTION 403—UNITED STATES COMMISSIONER

This section provides secretarial, clerical, and other facilities for the United States Commissioner for the District of Columbia.

SECTION 404—LICENSES FOR BOTTLE CLUBS

This section amends various sections of the District of Columbia Alcoholic Beverage Control Act (D. C. Code, ch. 25) to provide for licensing of bottle clubs under that act. For the purpose of these amendments, bottle clubs are premises where food, nonalcoholic beverages, or entertainment are sold or provided for compensation and where facilities are especially provided and service is rendered for the consumption of alcoholic beverages. In order to obtain a license under this provision a club must meet several standards designed to make certain that it is a bona fide club.

A club which has been licensed is subject to regulatory powers of the Commissioners, who may prescribe their hours of operation and are directed not to permit them to operate on Sunday.

It is provided that any place where an intoxicating beverage is manufactured, sold, kept for sale, or permitted to be consumed in violation of the act is a nuisance which may be enjoined or abated. An action to enjoin such a nuisance is to be brought in the municipal court which may issue temporary and permanent injunctions restraining continued violations of the act. The court may also order that the place upon which the nuisance existed shall not be occupied or used for 1 year. Any person who violates any such injunction may be tried for contempt of court and punished by a fine of not more than \$1,000 or imprisonment for not more than 12 months, or both.

SECTION 405—PSYCHIATRIST AND PSYCHOLOGIST

This section provides the services of a psychiatrist and psychologist to assist certain court officers, and certain officers of the Department of Corrections and Board of Parole, in carrying out their duties.

SECTION 406—RECORDS TO BE KEPT BY BONDSMEN

This section amends section 8 of the act of March 3, 1933 (D. C. Code, sec. 23-608), by adding a new subsection requiring that certain detailed records be kept by bondsmen operating in the courts of the District. Heretofore, bondsmen were required by statute only to give certain information at the place of detention whenever they signed a bond to release a prisoner. At that time only the name of the prisoner and the name of the person calling the bondsman on behalf of the prisoner were required to be entered in writing. The amendment provides for full information to be kept by bondsmen and to be open at all times for inspection.

SECTION 407—INFORMATION WITH RESPECT TO LAUNDRY MARKS

This section amends paragraph 17 of section 7 of the act of July 1, 1902 (D. C. Code, sec. 47-2317), which is the general license law for the District, to provide that each holder of a license to operate a laundry or a dry-cleaning or dyeing establishment shall register its laundry marks with the Commissioners of the District and the Major and Superintendent of Police to enable the police to identify laundry marks when it becomes necessary to do so in the course of their investigations.

SECTION 408—QUALIFICATIONS OF JURORS

Section 408 (a): This subsection amends section 199 of the 1901 Code (D. C. Code, sec. 11-1402), so as to require that jurors be selected, as nearly as may be, from the intelligent and upright residents of the District.

Section 408 (b): This subsection amends section 215 of the 1901 Code (D. C. Code, sec. 11-1407), so as to eliminate the existing requirement that jurors be under 65 years of age.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

DISTRICT OF COLUMBIA CODE 24-203 (54 STAT., SEC. 3 OF CH. 254, P. 242)

3. (a) That hereafter, *except as provided in subsections (b) and (c)*, in imposing sentence on a person convicted in the District of Columbia of a felony, the justice or judge of the court imposing such sentence shall sentence the person for a maximum period not exceeding the maximum fixed by law, and for a minimum period not exceeding one-third of the maximum sentence imposed, and any person so convicted and sentenced may be released on parole as herein provided at any time after having served the minimum sentence. Where the maximum sentence imposed is life imprisonment, a minimum sentence shall be imposed which shall not exceed fifteen years' imprisonment. Nothing in this Act shall abrogate the power of the justice or judge to sentence a convicted prisoner to the death penalty as now or hereafter may be provided by law.

(b) *The minimum sentence imposed under this section on a person convicted of an assault with intent to commit rape in violation of section 803 of the Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended (D. C. Code, sec. 22-501), or of robbery (other than robbery by stealthy seizure, commonly known as picking pockets) in violation of section 810 of such Act (D. C. Code, sec. 22-2901), or of housebreaking at night in violation of section 823 of such Act (D. C. Code, sec. 22-1801), shall not be less than one year, and if the person has previously been convicted in the District of Columbia or elsewhere of a crime of violence as defined in section 1 of the Act of July 8, 1932, as amended, providing for the control of dangerous weapons in the District of Columbia (D. C. Code, sec. 22-3201), the minimum sentence shall not be less than three years. The minimum sentence imposed under this section on a person convicted of rape in violation of section 808 of the Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended (D. C. Code, sec. 22-2801), shall not be less than five years, and if the person has previously been convicted in the District of Columbia or elsewhere of a crime of violence, as so defined, the minimum sentence shall not be less than ten years. The maximum sentence in each case to which this subsection applies shall not be less than three times the minimum sentence imposed, and shall not be more than the maximum fixed by law.*

(c) *For a person convicted of—*

(1) *a violation of section 432 (b) of the Revised Statutes, relating to the District of Columbia, as amended (D. C. Code, sec. 22-505, relating to assault with a dangerous weapon on a police officer);*

(2) *a violation of section 3 of the Act of July 8, 1932, as amended, providing for the control of dangerous weapons in the District (D. C. Code, sec. 22-3203, relating to illegal possession of a pistol), after having previously been convicted of violating that section; or*

(3) *a violation of section 209 of the District of Columbia Law Enforcement Act of 1951 (relating to possession of implements of crime) after having previously been convicted in the District of Columbia of a violation of that section or a felony, or after having previously been convicted in another jurisdiction of a crime which would be a felony if committed in the District, the minimum sentence imposed*

under this section shall not be less than one year, and the maximum sentence shall not be less than three times the minimum sentence imposed nor more than the maximum fixed by law.

DISTRICT OF COLUMBIA CODE 24-201c

When by reason of his training and response to the rehabilitation program of the Department of Corrections it appears to the Board that there is a reasonable probability that a prisoner will live and remain at liberty without violating the law, and that his immediate release is not incompatible with the welfare of society, but he has not served his minimum sentence, the Board in its discretion may apply to the court imposing sentence for a reduction of his minimum sentence. The court shall have jurisdiction to act upon the application at any time prior to the expiration of the minimum sentence and no hearing shall be required. *If a prisoner is serving a sentence for a crime for which a minimum sentence is prescribed by section 3 (b) of the Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932, as amended, his minimum sentence shall not be reduced under this section below the minimum sentence so prescribed.*

DISTRICT OF COLUMBIA CODE 24-102

That the United States District Court for the District of Columbia shall have power in any case, except those involving treason, homicide, rape, arson, kidnapping or any other crime for which a minimum sentence is prescribed by section 3 (b) of the Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes," approved July 15, 1932, as amended, or a second conviction of a felony, after conviction or after a plea of guilty of a felony or misdemeanor and after the imposition of a sentence thereon but before commitment, and the Municipal Court for the District of Columbia shall have like power, after a conviction or a plea of guilty in any case of misdemeanor, to place the defendant upon probation, provided that it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public as well as of the defendant would be subserved thereby, and may suspend the imposition or execution of the sentence, as the case may be, for such time and upon such terms as it may deem best and place the defendant in charge of a probation officer. The probationer shall be provided by the clerk of the court with a written statement of the terms and conditions of his probation at the time when he is placed thereon. He shall observe the rules prescribed for his conduct by the court and report to the probation officer as directed. No person shall be put on probation except with his or her consent.

DISTRICT OF COLUMBIA CODE 22-1112

(a) [That it] *It shall not be lawful for any person or persons to make any obscene or indecent exposure of his or her person [or their persons in any street avenue or alley, road or highway, open space, public square, or other public place or inclosure,] or to make any lewd, obscene, or indecent sexual proposal, or to commit any other lewd, obscene, or indecent act in the District of Columbia. [or to make any such obscene or indecent exposure of person in any dwelling or other building or other place wherefrom the same may be seen in any street, avenue, alley, road or highway, open space, public square, or public or private building or inclosure,] under penalty of [imprisonment for not more than ninety days, or a fine of not more than \$250, for each and every such offense.] not more than \$300 fine, or imprisonment of not more than ninety days, or both, for each and every such offense.*

(b) Any person or persons who shall [make any obscene or indecent exposure of his or her person or their persons, as] *commit an offense described in subsection (a), knowing he or she or they are in the presence of a child under the age of sixteen years, shall be punished by imprisonment of not more than [six months,] one year, or fined in an amount not to exceed [\$500] \$1,000.*

DISTRICT OF COLUMBIA CODE 22-109

That all prosecutions for violations of section 213 of the District of Columbia Law Enforcement Act of 1951 or¹ any of the provisions of any of the laws or ordinances provided for by this act shall be conducted in the name of and for the benefit of the District of Columbia, and in the same manner as now provided by law for the prosecution of offenses against the laws and ordinances of the said

¹ This phrase is inserted by section 211 of this bill.

District. Any person convicted of any violation of section 213 of the District of Columbia Law Enforcement Act of 1951 or¹ any of the provisions of this act, and who shall fail to pay the fine or penalty imposed, or to give security where the same is required, shall be committed to the workhouse in the District of Columbia for a term not exceeding six months for each and every offense. This section shall not apply with respect to any violation of section 9 (b).

DISTRICT OF COLUMBIA CODE 22-2701

That it shall not be lawful for any person to invite, entice, persuade, or to address for the purpose of inviting, enticing, or [persuading any] *persuading*, any person or persons sixteen years of age or over [in or upon any avenue, street, road, highway, open space, alley, public square, enclosure, public building or other public place, store, shop, or reservation or at any public gathering or assembly] in the District of Columbia, [to accompany, go with, or follow him or her to his or her residence, or to any other house or building, enclosure, or other place,] for the purpose of prostitution, or any other immoral or lewd purpose, under a penalty of not more than [\$100] \$250 or imprisonment for not more than ninety days or both.

[And it shall not be lawful for any person to invite, entice, or persuade, or address for the purpose of inviting, enticing, or persuading any such person or persons from any door, window, porch, or portico of any house or building to enter any house, or go with, accompany, or follow him or her to any place whatever, for the purpose of prostitution, or any other immoral or lewd purpose, under the like penalties herein provided for the same conduct in the streets, avenues, roads, highways, or alleys, public squares, open spaces, enclosures, public buildings or other public places, stores, shops, or reservations or at any public gatherings or assemblies.]

DISTRICT OF COLUMBIA CODE 22-201

Whoever, [with intent to procure the] *by means of any instrument, medicine, drug or other means whatever, procures or produces, or attempts to procure or produce an abortion or miscarriage* [of] on any woman, [prescribes or administers to her any medicine, drug, or substance whatever, or with like intent uses any instrument or means,] unless the same were done [when] as necessary [to preserve her life or health and under the direction of a competent licensed practitioner of medicine,] for the preservation of the mother's life, shall be imprisoned in the penitentiary [for] not less than one year or not more than [five] ten years; or if the [woman or her child dies in consequence of such act, by imprisonment for not less than three nor more than twenty years.] *death of the mother results therefrom, the person procuring or producing, or attempting to procure or produce the abortion or miscarriage shall be guilty of second degree murder."*

DISTRICT OF COLUMBIA CODE 22-3203

[No person who has been convicted in the District of Columbia or elsewhere of a crime of violence shall own or have in his possession a pistol, within the District of Columbia.]

No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the District of Columbia, if—

(1) he is a drug addict;

(2) he has been convicted in the District of Columbia of a felony, or in another jurisdiction of a crime which would be a felony if committed in the District of Columbia;

(3) he has been convicted of violating the first section or section 2 of the Act entitled 'An Act for the suppression of prostitution in the District of Columbia', approved August 15, 1935, as amended (D. C. Code, secs. 22-2701, 22-2702), the first section of the Act entitled 'An Act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases', approved July 16, 1912 (keeping bawdy house, D. C. Code, sec. 22-2722), the Act entitled 'An Act to define and punish vagrancy in the District of Columbia, and for other purposes', approved December 17, 1941 (D. C. Code, title 22, chapter 33); or

(4) he is not licensed under section 10 of this Act to sell weapons, and he has been convicted of violating this Act.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict. Whoever violates this section shall be punished as provided in section 15 of this Act, unless he

¹ This phrase is inserted by section 211 of the bill.

has previously been convicted of a violation of this section, in which case he shall be imprisoned for not more than ten years.

DISTRICT OF COLUMBIA CODE 22-3204

No person shall within the District of Columbia carry either openly or concealed on or about his person, except in his dwelling house or place of business or on other land possessed by him, a pistol, without a license therefor issued as herein-after provided, or any deadly or dangerous weapon capable of being so concealed [Provided, That arrests, without a warrant, and searches and seizures pursuant thereto, may be made for violation of this section, by police officers, as in the case of a felony, upon probable cause that the person arrested is violating this section at the time of the arrest; but no evidence discovered in the course of any arrest, search, or seizure authorized by this proviso shall be admissible in any criminal proceeding against the person arrested unless at the time of such arrest he was carrying a pistol or other dangerous weapon on or about his person.] *Whoever violates this section shall be punished as provided in section 15 of this Act, unless he has previously been convicted in the District of Columbia of a violation of this section or a felony, or has previously been convicted in another jurisdiction of a crime which would be a felony if committed in the District of Columbia, in which case he shall be sentenced to imprisonment for not more than ten years.*

DISTRICT OF COLUMBIA CODE 22-3207

No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, *or is forbidden by section 3 of this Act to possess a pistol, or, [or is a drug addict, or is a person who has been convicted in the District of Columbia or elsewhere of a crime of violence or,]* except when the relation of parent and child or guardian and ward exists, is under the age of [eighteen] *twenty-one* years.

DISTRICT OF COLUMBIA CODE 22-3208

No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and [a statement that he has never been convicted in the District of Columbia or elsewhere of a crime of violence]. *"a statement that he is not forbidden by section 3 of this Act to possess a pistol"*. The seller shall, within six hours after such application, sign and attach his address and deliver one copy to such person or persons as the superintendent of police of the District of Columbia may designate, and shall retain the other copy for six years. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 14 hereof as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

PARAGRAPH 3 OF DISTRICT OF COLUMBIA CODE 22-3210

No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is [a drug addict or has been convicted in the District of Columbia or elsewhere of a crime of violence] *forbidden by section 3 of this Act to possess a pistol* or is under the age of [eighteen] *twenty-one* years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 14 hereof as entitled to possess the same, and then only after permission to make such sale has been obtained from the Superintendent of Police of the District of Columbia.

PARAGRAPH 5 OF DISTRICT OF COLUMBIA CODE 22-3210

A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun, and blackjack sold, said record to be made in a book kept for the purpose,

the form of which may be prescribed by the Commissioners of the District of Columbia and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other and shall contain the date of sale, the name, address, occupation, color, and place of birth of the purchaser, and, so far as applicable, the caliber, make, model, and manufacturer's number of the weapon, and [a statement signed by the purchaser that he has never been convicted in the District of Columbia or elsewhere of a crime of violence] *a statement by the purchaser that he is not forbidden by section 3 of this Act to possess a pistol.* One copy of said record shall, within seven days, be forwarded by mail to the Superintendent of Police of the District of Columbia and the other copy retained by the seller for six years.

DISTRICT OF COLUMBIA CODE 22-3214

(a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, sand club, sandbag, billy, bludgeon, switch blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: *Provided, however, That* [machine guns, or sawed-off shotguns and blackjacks] *machine guns, sawed-off shotguns, blackjacks, billies, and bludgeons* may be possessed by the members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed under section 10 of this Act.

(b) *No person shall within the District of Columbia possess, with intent to use unlawfully against another, an imitation pistol, or a dagger, dirk, razor, stiletto, or knife with a blade longer than three inches, or other dangerous weapon.*

(c) *Whoever violates this section shall be punished as provided in section 15 of this Act, unless he has previously been convicted in the District of Columbia of a violation of this section or a felony, or has previously been convicted in another jurisdiction of a crime which would be a felony if committed in the District of Columbia, in which case he shall be imprisoned for not more than ten years.*

DISTRICT OF COLUMBIA—CODE 22-505

[If any person, without justifiable and excusable cause, shall use personal violence upon any member of the police force, when in the discharge of his duty, such person shall be deemed guilty of a misdemeanor, and shall be punishable by imprisonment in the District jail or penitentiary not exceeding two years, or by a fine not exceeding five hundred dollars.]

(a) *Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any officer or member of any police force operating in the District of Columbia while engaged in or on account of the performance of his official duties, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.*

(b) *Whoever in the commission of any such acts uses a deadly or dangerous weapon shall be imprisoned not more than ten years.*

DISTRICT OF COLUMBIA CODE 22-3302, PARAGRAPH 2

[Any person upon whom shall be found any instrument, tool, or other implement for picking locks or pockets or that is usually employed or reasonably may be employed in the commission of any crime who shall fail satisfactorily to account for the possession of the same.]

DISTRICT OF COLUMBIA CODE 22-1107

That it shall not be lawful for any person or persons within the District of Columbia to congregate and assemble in any street, avenue, alley, road, or highway, or in or around any public building or enclosure, or any park or reservation, or at the entrance of any private building or inclosure, and engage in loud and boisterous talking or other disorderly conduct, or to insult or make rude or obscene gestures or comments or observations on persons passing by, or in their hearing, or to crowd, obstruct, or incommode the free use of any such street, avenue, alley,

road, highway, or any of the foot pavements thereof, or the free entrance into any public or private building or inclosure; that it shall not be lawful for any person or persons to curse, swear, or make use of any profane language or indecent or obscene words, or engage in any disorderly conduct in any street, avenue, alley, road, highway, public park or inclosure, public building, church, or assembly room, or in any other public place, or in any place wherefrom the same may be heard in any street, avenue, alley, road, highway, public park or inclosure, or other buildings, or in any premises other than those where the offense was committed, under a penalty of not more than [twenty-five dollars] \$250 or imprisonment for not more than ninety days, or both for each and every such offense.

DISTRICT OF COLUMBIA CODE 22-109

That all prosecutions for violations of any of the provisions of, *section 213 of the District of Columbia Law Enforcement Act of 1951* or any of the laws or ordinances provided for by this Act shall be conducted in the name of and for the benefit of the District of Columbia, and in the same manner as now provided by law for the prosecution of offenses against the laws and ordinances of the said District. Any person convicted of any violation of *section 213 of the District of Columbia Law Enforcement Act of 1951* or any of the provisions of this Act, and who shall fail to pay the fine or penalty imposed, or to give security where the same is required, shall be committed to the workhouse in the District of Columbia for a term not exceeding six months for each and every offense. *This section shall not apply with respect to any violation of section 9 (b).¹*

DISTRICT OF COLUMBIA CODE 11-605 AND 22-507

That the Municipal Court for the District of Columbia shall also have concurrent jurisdiction with the United States District Court for the District of Columbia of threats to do bodily harm, and any person convicted of such offense shall be [required to give bond to keep the peace for a period not exceeding six months, and in default of bond may be sentenced to imprisonment not exceeding six months.] *sentenced to imprisonment not exceeding six months or a fine not exceeding \$500, or both, and, in addition thereto or in lieu thereof, may be required to give bond to keep the peace for a period not exceeding one year.*

UNLAWFUL ENTRY ON PRIVATE PROPERTY.—Any person who, without lawful authority, shall enter, or attempt to enter, [a private dwelling or building] *any public or private dwelling, building, or other property, or part of such dwelling, building, or other property, against the will of the lawful occupant or of the person lawfully in charge thereof, or being therein, or thereon, without lawful authority to remain [therein,] therein or thereon shall refuse to quit the same on the demand of the lawful occupant or of the person lawfully in charge thereof [; or any person who, without lawful authority, shall enter, or attempt to enter, an unoccupied private dwelling or building against the will or consent of the lawful owner thereof, or his duly authorized agent, or being therein, without lawful authority to remain therein, shall refuse to quit the same on the demand of the lawful owner thereof or his duly authorized agent], shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding [\$50] \$500 or imprisonment in [the] jail for not more than six months, or both, in the discretion of the court.*

DISTRICT OF COLUMBIA CODE 22-2205

Any person who shall receive or buy anything of value which shall have been stolen or obtained by robbery, knowing or *having cause to believe* the same to be so stolen or so obtained by robbery, [with intent to defraud the owner thereof,] if the thing or things received or bought shall be of the value of [thirty-five dollars] \$50 or upward, shall [suffer imprisonment] *be imprisoned* for not less than one year nor more than ten years; or if the value of the thing or things so received or bought be less than [thirty-five dollars], \$50 shall [suffer imprisonment for not more than two years]. *be fined not more than \$500 or imprisoned not more than one year, or both.*

DISTRICT OF COLUMBIA CODE 4-134

The Board of Commissioners shall cause [to be kept] *the Metropolitan Police force to keep the following [books and] records [, namely]: [First,] (1) General*

¹ This sentence is inserted by section 202 (a) (2) of the bill.

complaint [books], files in which shall be entered every complaint preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant[.]; [Second. Books of registry] (2) *Records of lost, missing, or stolen property*[, for the general convenience of the public and of the police of the District.];

[Third. Books of records of the police, wherein shall be entered the name of every member of the police force, with the time and place of his nativity, and the time when he became a citizen if he was born out of the United States; his age; his former occupation; number and residence of family; the date of appointment or dismissal from office, with the cause of the latter. And in every such record sufficient space shall be left against all such entries wherein to make record of the number of arrests made by such member of the police-force, or of any special services deemed meritorious by the major and superintendent of police.]

(3) *A personnel record of each member of the Metropolitan police force, which shall contain his name and residence; the date and place of his birth; his marital status; the date he became a citizen, if foreign born; his age; his former occupation; and the dates of his appointment and separation from office, together with the cause of the latter; and*

(4) *Such other records as the Board of Commissioners considers necessary for the efficient operation of the Metropolitan police force.*

DISTRICT OF COLUMBIA CODE 4-135

[All the books mentioned in the three preceding sections shall be, at all business hours, and when not in actual use, open to public inspection.]

The records required to be kept by paragraphs (1) and (2) of section 386 shall be open to public inspection when not in actual use.

DISTRICT OF COLUMBIA CODE 4-137

[The Board of Commissioners shall also cause to be kept and bound all police returns and reports of the District.]

All records of the Metropolitan Police force shall be preserved, except that the Board of Commissioners, upon recommendation of the Chief of Police, may cause records which it considers to be obsolete or of no further value to be destroyed.

DISTRICT OF COLUMBIA CODE 4-109

[That the Commissioners of the District of Columbia shall require security to be entered into by the major and superintendent, assistant superintendent, captains, lieutenants, and all other officers who may be intrusted with the keeping of money and valuables.]

DISTRICT OF COLUMBIA CODE 4-156

SEC. 413. (a) Upon satisfactory evidence of the ownership of property or money described in the preceding section he shall deliver the same to the owner, his next of kin, or legal representative and to him or them only. If, in any case, it is proven impracticable for such owner, next of kin, or legal representative to appear, the property clerk may deliver such property or money to any person having a duly executed power of attorney from such owner, or his next of kin, or legal representative, upon the filing of such power of attorney in the office of said clerk and the signing of a receipt for such property or money.

(b) In the event two or more persons claim ownership of any such property or money, the property clerk may give notice by registered mail to all such claimants of whom he shall have knowledge of the time and place of a hearing to determine the person to whom the property or money shall be delivered. At the time and place so designated the property clerk shall hear and receive evidence of ownership of the property or money concerned, and shall determine the identity of the owner. After such hearing, the property clerk shall deliver the property or money to the person who the property clerk determines is the owner, his next of kin, or legal representative, and to him or them only. If, in any case, it is proven impracticable for such owner, next of kin, or legal representative to appear, the property clerk may deliver such property or money to any person having a duly executed power of attorney from such owner, his next of kin, or legal representative, upon the filing of such power of attorney in the office of said clerk and the signing of a receipt for such property or money.

(c) The property clerk shall not be liable in damages for any official action performed hereunder in good faith.

(d) Except as provided in sections 420, 421, and 422 hereof, no property or money in the possession of the property clerk alleged to have been feloniously obtained or to be the proceeds of crime shall be delivered under this section if it is required to be held under the provisions of section 415 hereof; nor shall it be delivered within one year after the date of receipt of said property or money by the property clerk unless the United States attorney in and for the District of Columbia shall certify that such property or money is not needed as evidence in the prosecution of a crime. *Before delivering any property coming into his custody as a result of the death of the owner or the execution by the United States Marshal of a judgment to recover possession of real property, or any property which is lost, abandoned, or alleged to have been feloniously obtained or to be the proceeds of crime, the property clerk shall collect from the person claiming the property a fee, to be fixed under regulations prescribed by the Board of Commissioners, to reimburse the District of Columbia for the cost of services rendered by the Metropolitan Police force in taking custody of, protecting, and storing the property.*

§ 25-107 [20:1907]. Powers of Commissioners—Rules and regulations—Licenses.

The Commissioners are hereby authorized to prescribe such rules and regulations not inconsistent with this chapter as they may deem necessary to carry out the purposes thereof and to control and regulate the manufacture, sale, keeping for sale, offer for sale, solicitation of orders for sale, importation, exportation, and transportation of alcoholic beverages in the District of Columbia for the protection of the public health, comfort, safety, and morals. *and the Commissioners are further authorized to prescribe such rules and regulations not inconsistent with this Act as they may deem necessary to properly and adequately control the consumption of alcoholic beverages on premises licensed under paragraph (l) of section 11 of this Act, with specific authority to prescribe the hours during which alcoholic beverages may be consumed on such premises and to forbid the consumption on Sundays, but the Commissioners shall not authorize the consumption on such premises of any beverages on Sundays other than light wines and beer, and such consumption is hereby prohibited.*

The Commissioners shall have specific authority to make rules and regulations for the issuance, transfer, and revocation of licenses; to facilitate and insure the collection of taxes; to govern the operation of the business of licensees, with full power and authority to prescribe the terms and conditions under which alcoholic beverages may be sold by each class of licensees; to forbid the issuance of licenses for manufacture, sale, or storage of alcoholic beverages in such localities in, and such sections and portions of, the District of Columbia as they may deem proper in the public interest; to limit the number of licenses of each class to be issued in the District of Columbia and to limit the number of licenses of each class in any locality in, or sections or portions of, the District of Columbia as they may deem proper in the public interest; to forbid the issuance of licenses for businesses conducted on such premises as they, in the public interest, may deem inappropriate; to forbid the issuance of any class or classes of licenses for businesses established subsequent to January 24, 1934, near or around schools, colleges, universities, churches, or public institutions, to prescribe the hours during which beverages may be sold and to forbid the sale on Sundays; but the commissioners shall not authorize the sale by any licensee, other than the holder of a retailer's license, class E, of any beverages on Sundays other than light wines and beer, and any such sale is hereby prohibited. The powers and authorities expressly enumerated are to be construed as in addition to, and not by way of limitation of, the general powers herein granted. Different regulations may be prescribed for the different classes of licenses, for the different class of beverages, and for different localities in or sections or portions of the District of Columbia.

Any regulations promulgated hereunder shall become effective five days after being published in any daily newspaper of general circulation in the District of Columbia. Such regulations may be altered or amended from time to time as the Commissioners may deem desirable. The Commissioners shall also have authority in any time of public emergency, without previous notice or advertisement, to prohibit the sale of any or all beverages during the period of such emergency. (Jan. 24, 1934, 48 Stat. 322, ch. 4, § 7.)

§ 25-109 [20: 1909]. Sale without license prohibited—Exceptions.

(a) No individual, partnership, association, or corporation shall, within the District of Columbia, manufacture for sale, keep for sale, or sell any alcoholic beverage without having first obtained a license under this chapter for such manufacture or sale, except as provided in section 25-131.

It shall be unlawful for any person operating any premises where food, nonalcoholic beverages, or entertainment are sold or provided for compensation, and where facilities are especially provided and service is rendered for the consumption of alcoholic beverages, who does not possess a license under this Act, to permit the consumption of such alcoholic beverages on such premises.

(b) No individual shall, within the District of Columbia, offer for sale or solicit any order for the sale of any alcoholic beverage, irrespective of whether such sale is to be made within or without the District of Columbia, unless such individual has first obtained a license of the character described in section 11, subsection (k).

Nothing in this subsection shall apply to any offer for sale or solicitation made upon the premises designated in the license of the vendor.

No individual shall within the District of Columbia offer any beverage for sale to, or solicit orders for the sale of any beverage from, any person not a licensee under this chapter, irrespective of whether such sale is to be made within or without the District of Columbia.

(c) A physician may administer alcoholic beverages to a bona fide patient in cases of actual need when, in the judgment of the physician, the use of alcoholic beverages is necessary.

(d) A dentist who deems it necessary that a bona fide patient being then under treatment by him is in actual need of and should be supplied with alcoholic beverages as a stimulant or restorative, may administer to the patient alcoholic beverages.

(e) A veterinarian who deems it necessary may, in the course of his practice, administer or cause to be administered alcoholic beverages to a dumb animal.

(f) A person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, may administer or cause to be administered alcoholic beverages to any bona fide patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medicinal purposes, and may charge for the alcoholic beverages so administered. (Jan. 24, 1934, 48 Stat. 323, ch. 4, § 9.)

§ 25-110 [20: 1910]. Licenses—Applications for—To whom granted—Records.

The board is authorized to issue licenses to individuals, partnerships, or corporations, but not to unincorporated associations, on application duly made therefor, for the manufacture, sale, offer for sale, *consumption on premises of clubs where food, nonalcoholic beverages, or entertainment are sold or provided for compensation*, or solicitation of orders for sale of alcoholic beverages within the District of Columbia. The Board shall keep a full record of all applications for licenses, and of all recommendations for and remonstrances against the granting of licenses and of the action taken thereon.

§ 25-111 [20:1911]. License classifications—Fees.

Licenses issued under authority of this chapter shall be of [eleven] kinds:

(a) MANUFACTURER'S LICENSE, *twelve*, CLASS A.—To operate a rectifying plant, a distillery, or a winery. Such a license shall authorize the holder thereof to operate a rectifying plant for the manufacture of the products of rectification by purifying or combining alcohol, spirits, wine, or beer; a distillery for the manufacture of alcohol or spirits by distillation or redistillation; or a winery for the manufacture of wine; at the place therein described, but such license shall not authorize more than one of said activities, namely, that of a rectifying plant, a distillery, or a winery, and a separate license shall be required for each such plant. Such a license shall also authorize the sale from the licensed place of the products manufactured under such license by the licensee to another license holder under this chapter for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale. It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this chapter. The annual fee for such license for a rectifying plant shall be \$3,500; for a distillery shall be \$3,500; and for a winery shall be \$500: *Provided, however*, That if a manufacturer shall operate a distillery only for the manufacture of alcohol and more than 50 per centum of such alcohol is sold for nonbeverage purposes, the annual fee shall be \$1,000. If said manufacturer holding a license issued at the rate last mentioned shall sell during any license period 50 per centum or more of said alcohol for beverage purposes, he shall pay to the Collector of Taxes the difference between the license fee paid and the license fee for a distiller of spirits.

(b) MANUFACTURER'S LICENSE, CLASS B.—To operate a brewery. Such a license shall authorize the holder thereof to operate a brewery for the manufacture

of beer at the place therein described. It shall also authorize the sale from the licensed place of the beer manufactured under such license to another license holder under this chapter for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale, or to a consumer. Said manufacturer may sell beer to the consumer only in barrels, kegs, and sealed bottles and said barrels, kegs, and bottles shall not be opened after sale, nor the contents consumed, on the premises where sold. The annual fee for such license shall be \$2,500.

(c) WHOLESALE'S LICENSE, CLASS A.—Such a license shall authorize the holder thereof to sell beverages from the place therein described to another license holder under this chapter for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale, and, in addition, in the case of beer or light wines, to a consumer, said beverages to be sold only in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale, nor the contents consumed, on the premises where sold. It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this chapter. No holder of such a license except a wholesale druggist or a wholesale grocer shall be engaged in any business on the premises for which the license is issued other than the sale of alcoholic and non-alcoholic beverages. The annual fee for such license shall be \$1,500.

(d) WHOLESALE'S LICENSE, CLASS B.—Such a license shall authorize the holder thereof to sell beer and light wines from the place therein described to another license holder for resale or to a dealer licensed under the laws of any State or Territory of the United States for resale, or to a consumer in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale nor the contents consumed on the premises where sold. The annual fee for such license shall be \$750.

(e) RETAILER'S LICENSE, CLASS A.—Such a license shall authorize the holder thereof to sell beverages from the place therein described and to deliver the same in the barrel, keg, sealed bottle, or other closed container in which the same was received by the licensee, which said barrel, keg, sealed bottle, or other closed container shall not be opened nor the contents consumed on the premises where sold. Such license shall not authorize the licensee to sell to other licensees for resale.

The annual fee for such license shall be \$750.

(f) RETAILER'S LICENSE, CLASS B.—Such a license shall authorize the holder thereof to sell beer and light wines from the place therein described and to deliver the same in the barrel keg, sealed bottle, or other closed container in which the same was received by the licensee, which said barrel, keg, sealed bottle, or other closed container shall not be opened nor the contents consumed on the premises where sold. Such license shall not authorize the licensee to sell to other licensees for resale.

The annual fee for such license shall be \$100.

(g) RETAILER'S LICENSE, CLASS C.—Such a license shall be issued only for a bona fide restaurant, hotel, or club, or a passenger-carrying marine vessel serving meals, or a club car or a dining car on a railroad. It shall authorize the holder thereof to keep for sale and to sell spirits, wine, and beer at the place therein described for consumption only in said place. Except the case of clubs, pin hotels, and passenger-carrying marine vessels serving meals in interstate commerce of one hundred miles or more, no beverage shall be sold or served to a customer in any closed container. In the case of restaurants and passenger-carrying marine vessels and club cars or dining cars on a railroad, said spirits and wine, except light wines, shall be sold or served only to persons seated at public tables or at bona fide lunch counters, except that spirits, wine, and beer may be sold or served to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. In the case of hotels, said beverages may be sold and served only in the private room of a registered guest or to persons seated at public tables or to assemblages of more than six individuals in a private room, when such room has been previously approved by the Board. Beer and light wines may also be sold and served to persons seated in bona fide lunch counters. And in the case of clubs, said beverages may be sold and served in the private room of a member or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least 3 months immediately prior to the making of the application for such license. All alcoholic beverages offered for sale or sold by the holder of such licenses may be displayed and dispensed in full sight of the purchaser.

The fee for such a license shall be for a restaurant, \$500 per annum; for a hotel, under one hundred rooms, \$500 per annum; for a hotel of one hundred or more rooms, \$1,000 per annum; for a club, \$250 per annum; for a marine vessel serving meals in interstate commerce of one hundred miles or more and for each railroad dining car or club car, \$2 per month or \$10 per annum: *Provided*, That such license may be issued to any company engaged in interstate commerce covering all dining, club, and lounge cars operated by such company on railroads within the District of Columbia upon the payment of an annual fee of \$60; for all other passenger-carrying marine vessels serving meals, \$50 per month or \$500 per annum.

(h) **RETAILER'S LICENSE, CLASS D.**—Such a license shall be issued only for a bona fide restaurant, tavern, hotel, or club, or a passenger-carrying marine vessel serving meals, light lunches, or sandwiches, or a club car or a dining car on a railroad. Such a license shall authorize the holder thereof to sell beer and light wines at the place therein described for consumption only in said place. Except in the case of clubs and hotels, no beer or light wines shall be sold or served to a customer in any closed container. In the case of restaurants, taverns, and passenger-carrying marine vessels and club cars or dining cars on a railroad, said beer and light wines shall be sold or served only to persons seated at public tables or at bona fide lunch counters, except that beer and light wines may be sold or served to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. In the case of hotels, beer and light wines may be sold and served only in the private room of a registered guest or to persons seated at public tables or at bona fide lunch counters or to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. And in the case of clubs, beer and light wines may be sold and served in the private room of a member, or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least three months immediately prior to the making of the application for such license.

The annual fee for such a license shall be \$200; except that in the case of a marine vessel the fee shall be \$20 per month or \$200 per annum, and in the case of each railroad dining car or club car \$1 per month or \$10 per annum: *Provided*, That such a license may be issued to any company engaged in interstate commerce covering all dining, club, and lounge cars operated by such company on railroads within the District of Columbia upon the payment of an annual fee of \$30.

(i) **RETAILER'S LICENSE, CLASS E.**—Such a license shall authorize a person entitled to retail, compound, and dispense medicines and poisons, to settle from the place therein described, beverages in sealed packages, not to exceed one quart each, for medical purposes, and only upon prescription of a duly-licensed practicing physician for liquors as defined by the United States Pharmacopoeia. Such package shall not be opened after sale, nor its contents consumed, on the premises where sold. Such prescription, when filled, shall be canceled by writing across its face the word "Canceled" together with the date on which it is presented and filled, and such prescriptions shall be numbered consecutively as filled and kept on file in consecutive order. No such prescription shall be refilled. The annual fee for such license shall be \$25.

(j) **RETAILER'S LICENSE, CLASS F.**—Such license shall authorize the holder thereof temporarily to sell beer and light wines on the premises therein described for consumption on the premises where sold. Such permits may be issued for a banquet, picnic, bazaar, fair, or similar public or private gathering, where food is served for consumption on the premises. No beer or light wines shall be sold or served to a customer in any unopened container. The issuance of such a permit shall be solely in the discretion of the Board. The fee for each such license shall be \$5 per day.

(k) **SOLICITOR'S LICENSES.**—Such a license shall authorize the licensee to offer for sale to or solicit orders from licensees for the sale of any beverage.

A solicitor's license shall set forth the name of the vendor whom the solicitor represents and such solicitor shall not represent any vendor whose name does not appear upon such license.

The annual fee for such license shall be \$100.

(l) **CONSUMPTION LICENSE FOR A CLUB.**—*Such a license shall be issued only for a club. The word "club" within the meaning of this paragraph is a corporation for the promotion of some common object (not including corporations organized or conducted for any commercial or business purpose, or for money profit), owning, hiring, or leasing a building or space in a building of such extent and character as in the judgment of the Board may be suitable and adequate for the reasonable and comfortable use and accommodations of its members and their guests; and the affairs and manage-*

ment of such corporation are conducted by a board of directors, executive committee, or similar body chosen by the members at least once each calendar year, and no officer, agent, or employee of the club is paid, directly or indirectly, or receives in the form of salary or other compensation, any profit from the conduct and operation of the club beyond the amount of such salary as may be fixed and voted by the members or by its directors or other governing body. No license shall be issued to a club which has not been established for at least three months immediately prior to the making of the application for such license. Such a license shall authorize the holder thereof to permit consumption of alcoholic beverages on such parts of the licensed premises as may be approved by the Board. The annual fee for such a license shall be \$500.

Nothing in this chapter shall be construed as repealing any portion of section 7 of the District of Columbia Appropriation Act for the fiscal year ending June 30, 1903, approved July 1, 1902, as amended.

§ 25-115 [20:1914]. Applications for licenses—Qualification of applicants—Moral character—Citizenship—Prior convictions—Ownership—Interest of manufacturer in retail business—Character of premises—Advertising application—Hearing of protests—Objection of property owners—Removal of bonded liquor from Government warehouses—Bond—Penalty.

(a) Any individual, partnership, or corporation desiring a license under this chapter shall file with the Board an application in such form as the Commissioners may prescribe, and such application shall contain such additional information as the Board may require, and (except in the case of an application for a manufacturer's license, retailer's license, class E, or solicitor's license) shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be licensed is to be conducted. Before a license is issued the Board shall satisfy itself:

1. That the applicant, if an individual, or, if a partnership, each of the members of the partnership, or, if a corporation each of its principal officers and directors, is of good moral character and generally fit for the trust to be in him reposed.

2. That the applicant, if an individual, or, if a partnership, each of the members of the partnership, or, if a corporation, each of its principal officers, is a citizen of the United States, not less than twenty-one years of age, and has not, within five years prior to the filing of such application, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior to such filing, been convicted of any felony.

3. Except in the case of an application for a solicitor's license, that the applicant is the true and actual owner of the business for which the license is desired, and that he intends to carry on the business authorized by the license for himself and not as the agent of any individual, partnership, association, or corporation, and that he intends to superintend in person the management of the business licensed, or intends to have some other person, to be approved by the Board, manage the business for him, which said manager must possess all of the qualifications required of a licensee hereunder.

4. That in the case of an applicant for a wholesaler's license or a retailer's license (except a retailer's license class E), no manufacturer or wholesaler of beverages other than the applicant (including a stockholder holding 25 per centum or more of the common stock, or an officer of any manufacturer or wholesaler of beverages, if such manufacturer or wholesaler is a corporation), has such a substantial interest, direct or indirect, in the business for which the license is requested, or in the premises in respect of which such license is to be issued, as in the judgment of the Board may tend to influence such licensee to purchase beverages from such manufacturer or wholesaler, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from or loaned or given by any such manufacturer or wholesaler (including such stockholder or officer) or sold by such manufacturer or wholesaler (including such stockholder or officer) to any such licensee for less than the fair market value or upon a conditional sale agreement or chattel trust.

5. That the place for which the license is to be issued is an appropriate one considering the character of the premises, its surroundings, and the wishes of the persons residing or owning property in the neighborhood of the premises for which the license is desired.

(b) Before granting a [retailer's] license[,] under section 11 (l) of this Act or a retailer's license, except a retailer's license class E or class F, the Board shall give notice by advertisement published once a week and for at least two weeks in some newspaper of general circulation published in the District of Columbia. The advertisement so published shall contain the name of the applicant and a

description by street and number, or other plain designation, of the particular location for which the license is requested and the class of license desired. Such notice shall state that remonstrants are entitled to be heard before the granting of such licenses and shall name the time and place of such hearing. There shall also be posted by the Board a notice, in a conspicuous place, on the outside of the premises. This notice shall state that remonstrants are entitled to be heard before the granting of such license and shall name the same time and place for such hearing as set out in the public advertisement; and, if remonstrance against the granting of such license is filed, no final action shall be taken by the Board until the remonstrant shall have had an opportunity to be heard, under rules and regulations prescribed by said Board. Any person wilfully removing, obliterating, marring, or defacing said notice shall be deemed guilty of a violation of this chapter. The provisions of this subsection relating to notice by advertisement in some newspaper of general circulation shall not apply to the issuance of a license to a retailer for any place of business if such retailer is the holder of a license of the same class for the same place and if said last-mentioned license is in effect on the date the application for the new license is filed.

(c) Except in the case of a retailer's license class C [or class D,], *class D or a license issued under section 11 (l) of this Act*, to be issued for a hotel or club, or a retailer's license class B or class E, no place for which a license under this chapter has not been issued and in effect on the date the written objections hereinafter provided for are filed, shall be deemed appropriate if the owners of a majority of the real property within a radius of six hundred feet of the boundary lines of the lot or parcel of ground upon which is situated the place for which the license is desired, shall, on a form to be prescribed by the Commissioners filed with the Board, object to the granting of such license. In determining the sufficiency of such objections the owners of all such property not lying within a residential use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission shall be taken as consenting to the granting of such license, except that the Commissioners shall have power to file objections on behalf of any property lying within such radius owned by the United States or the District of Columbia. This subsection shall be construed as a limitation upon the discretion of the Board in granting a license and not as a limitation upon the discretion of the Board in refusing a license: *Provided, however*, That none of the provisions of this chapter shall prevent the Board from promulgating regulations to permit the lawful bona fide owners of warehouse receipts for bonded liquors stored in Government warehouses either in the District of Columbia or elsewhere from withdrawing such bonded liquors for personal use on payment to the Collector of Taxes for the District of Columbia, taxes at such rates as provided in this chapter: *Provided*, That such bona fide holder of such warehouse receipts held legal title to such warehouse receipts prior to the passage of this chapter.

(d) A separate application shall be filed with respect to each place of business, except that a company engaged in interstate commerce may file one application for a license for the operation thereunder of all of its dining, club, and lounge cars operated on railroads within the District of Columbia. The required license fee shall be paid to the collector of taxes and his duplicate receipt shall accompany the application for license. In the event the license is denied the fee shall be returned. Every such application shall be verified by the affidavit of the applicant, if an individual, or by all of the members of a partnership, or by the president or vice president of a corporation. If any false statement is knowingly made in such application, or in any accompanying statement under oath which may be required by the Commissioners or the Board, the person making the same shall be deemed guilty of perjury. The making of a false statement in any such application, or in any such accompanying statement, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the Board, constitute sufficient cause for the revocation of the license.

§ 25-121 [20: 1920]. Sale to minors or intoxicated persons—Liability of licensee

Licenses issued hereunder shall not authorize the sale or delivery of beverages, with the exception of beer and light wines, to any person under the age of twenty-one years, or beer or light wines to any person under the age of eighteen years, either for his own use or for the use of any other person; or the sale, service, or delivery of beverages to any intoxicated person, or to any person of notoriously intemperate habits, or to any person who appears to be intoxicated; and ignorance of the age of such minor shall not be a defense to any action instituted under this section. No licensee shall be liable to any person for damages claimed to arise from refusal to sell such alcoholic beverages.

No person being the holder of a license issued under section 11 (l) of this Act shall permit on the licensed premises the consumption of alcoholic beverages, with the exception of beer and light wines, by any person under the age of twenty-one years, or permit the consumption of beer and light wines by any person under the age of eighteen years; or the consumption of any beverage by any intoxicated person, or any person of notoriously intemperate habits, or any person who appears to be intoxicated; and ignorance of the age of any such minor shall not be a defense to any action instituted under this section. No licensee shall be liable to any person for damages claimed to arise from refusal to permit the consumption of any beverage on any premise licensed under section 11 (l) of this Act.

§ 25-128 [20: 1928]. Drinking of alcoholic beverage in street, alley, park, parking, or unlicensed public place forbidden—Intoxication in street, alley, park, or parking forbidden—Penalty.

(a) No person shall in the District of Columbia drink any alcoholic beverage in any street, alley, park, or parking; or in any vehicle in or upon the same; or in or upon any premises where food, nonalcoholic beverages, or entertainment are sold or provided for compensation not licensed under this Act; or in any place to which the public is invited for which a license has not been issued hereunder permitting the sale and consumption of such alcoholic beverage upon such premises [;] *except premises licensed under section 11 (l) of this Act; or in any place [to which the public is invited (for which a license under this chapter has been issued)] (for which a retailer's license class C, D, or a license under section 11 (l) of this Act has been issued)* at a time when the sale of such alcoholic beverage or the consumption of the same on the premises is prohibited by this [chapter] Act or by the regulations promulgated thereunder. No person shall be drunk or intoxicated in any street, alley, park, or parking; or in any vehicle in or upon the same or in any place to which the public is invited or at any public gathering and no person anywhere shall be drunk or intoxicated and disturb the peace of any person.

(b) Any person violating the provisions of this section shall be punished by a fine of not more than \$100 or by imprisonment for not more than thirty days or by both such fine and imprisonment in the discretion of the court for the first offense; by a fine of not more than \$200 or by imprisonment for not more than sixty days or by both such fine and imprisonment in the discretion of the court for the second offense, or by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment in the discretion of the court for each subsequent offense.

§ 25-129 [20: 1929]. Search warrants for illegal alcoholic beverages—Penalty for resisting officer—Disposition of illegal beverages—Payment of bona fide liens.

(a) A search warrant may be issued by any judge of the [police court] of the Municipal Court District of Columbia or by a United States Commissioner for the District of Columbia when any alcoholic beverages are manufactured for sale, [or] sold or consumed in violation of the provisions of this Act, and any such alcoholic beverages and any other property designed for use in connection with such unlawful manufacture for sale, keeping for sale, [or] selling, or consumption may be seized thereunder, and shall be subject to such disposition as the court may make thereof, and such alcoholic beverages may be taken on the warrant from any house or other place in which it is concealed.

§ 23-608

Sec. 8. (a) It shall be the duty of the juvenile court and the criminal divisions of the United States District Court for the District of Columbia and of The Municipal Court for the District of Columbia, each, to provide, under reasonable rules and regulations, the qualifications of persons and corporations applying for authority to engage in the bonding business in criminal cases in the District of Columbia, and the terms and conditions upon which such business shall be carried on, and no person or corporation shall, either as principal, or as agent, clerk, or representative of another, engage in the bonding business in any such court until he shall by order of the court be authorized to do so. Such courts, in making such rules and regulations, and in granting authority to persons to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person so applying, and no person shall be permitted to engage, either as principal or agent, in the business of becoming surety upon bonds for compensation in criminal cases, who has ever been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character. It shall be the duty of each of said courts to require every person qualifying to engage in the bonding business as principal to file with said court a list showing the name, age, and residence of each person employed by said bondsman as agent, clerk, or repre-

sentative in the bonding business, and require an affidavit from each of said persons stating that said person will abide by the terms and provisions of this Act. Each of said courts shall require the authority of each of said persons to be renewed from time to time at such periods as the court may by rule provide, and before said authority shall be renewed the court shall require from each of said persons an affidavit that since his previous qualification to engage in the bonding business he has abided by the provisions of this Act, and any person swearing falsely in any of said affidavits shall be guilty of perjury.

(b) *Each such court shall prescribe such rules and regulations as may be necessary to insure that whenever a bondsman becomes surety for compensation upon a bond in a criminal case before the court, the bondsman, or his agent, clerk, or representative, shall make a record, which shall be accurate to the best of the maker's knowledge and belief and shall thereafter be open for inspection by the court or its designated representative, and by the designated representative of other law-enforcement agencies of the District of Columbia, of the following matters:*

- (1) *The full name and address of the person for whom the bond is executed (referred to in this subsection as the "defendant") and the full name and address of his employer, if any;*
- (2) *The offense with which the defendant is charged;*
- (3) *The name of the court or officer authorizing the defendant's admission to bail;*
- (4) *The amount of the bond;*
- (5) *The name of the person who called the bondsman, if other than the defendant;*
- (6) *The amount of the bondsman's charge for executing the bond;*
- (7) *The full name and address of the person to whom the bondsman presented his bill for such charge;*
- (8) *The full name and address of the person paying such charge; and*
- (9) *The manner of payment of such charge.*

Whoever violates any rule or regulation prescribed under this subsection shall be fined not more than \$500 or imprisoned not more than six months, or both, and if he is a bondsman, or the agent, clerk, or representative of a bondsman, shall be disqualified from thereafter engaging in any manner in the bonding business for such a period of time as the trial judge shall order."

§ 47-2317 [20:1717]. **Laundries—Dry cleaning and dyeing establishments.**

(a) Owners or managers of laundries operated other than by hand power shall pay a license fee of \$18 per annum.

(b) Owners or managers of laundries operated by hand power shall pay a license fee of \$5 per annum.

(c) Owners or managers of dry cleaning or dyeing establishments shall pay a license fee of \$5 per annum.

(d) *No license shall be granted under this paragraph unless the owner or manager shall have filed with the Commissioners of the District of Columbia or their designated agent and with the Chief of Police such information with respect to laundry marks used by the licensee as will enable the Chief of Police to identify from a single laundry mark the laundry or dry-cleaning or dyeing establishment which did such marking. Each owner or manager of a laundry or dry-cleaning or dyeing establishment shall, at all times, keep the records of the laundry marks of the laundry or dry-cleaning or dyeing establishment open to inspection by the Commissioners of the District of Columbia, the Chief of Police, and their designated agents.*

(e) *Within sixty days after the date of enactment of the District of Columbia Law Enforcement Act of 1951, the owner or manager of each laundry and each dry-cleaning or dyeing establishment licensed under this paragraph shall file the information required by subparagraph (d) with the Commissioners of the District of Columbia or their designated agent and with the Chief of Police.*

§ 11-1402 [18:342]. **Selection of jurors.**

The said jurors shall be selected, as nearly as may be, from the different parts of the District [.] and shall be selected, as nearly as may be, from its intelligent and upright residents.

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No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, over twenty-one [and under sixty-five] years of age, able to read and write and to understand the English language, and a good and lawful person, who has never been convicted of a felony or a misdemeanor involving moral turpitude.

